



W.P(MD)No.4118 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.4118 of 2020 and
WMP(MD) Nos.3481 & 3482 of 2020

Badhusha

... Petitioner

Vs

1.The Secretary to Government,
Tourism Culture and Religious Endowments Dept,
Fort St.George, Chennai.

2.The Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment Dept,
Chennai.

3.The Joint Commissioner/Executive Officer,
Arulmigu Meenkashi
Sundareswarar Temple, Madurai.

4.The Asst Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment Dept,
Madurai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for



W.P(MD)No.4118 of 2020

the records of the 4th respondent dated 20.02.2020 in proceedings in Na.Ka.No.3342/2018/B1-4 quash the same as the same is arbitrary, ultravires, contrary to Section 114 of HR & CE Act 22/1959 in colorable exercise of power.

For Petitioner	: R.G.Shankar Ganesh,
For R1,R2 & R4	: Mr.P.Subburaj Special Government Pleader
For R3	: Mr.V.R.Shanmuganathan

ORDER

The petitioner is a sub-lessee under the third respondent/ Arulmigu Meenkashi Sundareswarar Temple, Madurai and occupied a shop in Shop No.179, East Masi Street, Madurai. For non-payment of lease amount, a notice was issued to the petitioner, directing him to vacate and hand over the possession of the property to the temple on or before 26.02.2020. Challenging the same, the petitioner has filed this writ petition.

2.The learned counsel appearing for the petitioner submits that the petitioner was evicted from the premises and as on



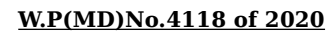
W.P(MD)No.4118 of 2020

date he is not in occupation and therefore, nothing survives in this writ petition.

3.The learned counsel for the third respondent Temple submits that though the petitioner was evicted from the shop, he is still liable to pay the arrears of rent to the temple and in view of the pendency of this writ petition, the temple authorities are not in a position to collect the rent from this petitioner.

4.This Court considered the rival submissions made.

5.The petitioner, who was a sub-lessee under the third respondent Temple has filed this writ petition in the year 2020 challenging the impugned notice, directing him to vacate the shop leased out to him within a stipulated time. As a subsequent development, now the petitioner was evicted from the shop and he has to pay the arrears of rent for the period, for which he occupied the shop.



06.10.2023

4/6



W.P(MD)No.4118 of 2020

To
WEB COPY

- 1.The Secretary to Government,
Tourism Culture and Religious Endowments Dept,
Fort St.George, Chennai.
- 2.The Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment Dept,
Chennai.
- 3.The Joint Commissioner/Executive Officer,
Arulmigu Meenkashi
Sundareswarar Temple, Madurai.
- 4.The Asst Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment Dept,
Madurai.



WEB COPY



W.P(MD)No.4118 of 2020

B.PUGALENDHI, J.

vrn

Order made in
W.P(MD)No.4118 of 2020 and
WMP(MD) Nos.3481 & 3482 of 2020

06.10.2023