



WP(MD)No.4946 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 03.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.4946 of 2020 and
WMP(MD)No.4312 of 2020

J.Saleem Batcha

.. Petitioner

v.

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

2.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam, Chennai.

3.The Joint Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Administration,
Ellis Nagar, Madurai.

4.The Joint Commissioner / Executive Officer,
Arulmigu Meenakshi Sundareswarar Temple,
Madurai.

.. Respondents



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Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records of the first respondent dated 18.02.2020 in proceedings G.O.Ms.No.53 and quash the same.

For Petitioner : Mr.R.G.Shankar Ganesh

For Respondents : Mr.P.Subburaj,
Special Government Pleader
for R.1 to R.3

Mr.V.R.Shanmuganathan
for R.4

ORDER

The petitioner is running a textile shop in the property belonging to the Temple. The petitioner is a sub-lessee and he was treated as an encroacher and action has been taken by the respondent Temple. As against the proceedings passed u/s.78 of the Hindu Religious and Charitable Endowments Act, this writ petition has been filed in the year 2020.



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2.Though this Court, by order dated 16.10.2023, dismissed this writ petition, considering the submission made by the petitioner's Counsel that the petitioner would pay the entire arrears of rent; that he is running business in the said shop for the past 10 years; that Rs.50 Lakh worth of goods are lying inside the shop and the ensuing Diwali season, this Court re-called the earlier order, though it was not dispatched and listed this writ petition.

3.Learned Counsel for the petitioner accordingly submitted a Demand Draft for a sum of Rs.9,16,340/- and further requested to regularize the petitioner as the tenant for the subject property.

4.On the directions of this Court, the Demand Draft was accepted by the learned Special Government Pleader. This Court has also directed the learned Special Government Pleader to get instructions as to whether the petitioner can be regularized as a tenant by fixing the fair rent.

5.Learned Special Government Pleader submitted that the Commissioner, Hindu Religious and Charitable Endowments Department,



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alone can take a decision on the regularization of this petitioner as a tenant and therefore, it is open to the petitioner to submit necessary application before the Commissioner in this regard.

6.Considering the rival submissions made, this writ petition is disposed of, with a liberty to the petitioner to submit a fresh application before the Commissioner, Hindu Religious and Charitable Endowments Department, within a period of three weeks from the date of receipt of a copy of this order, to regularize him as a tenant for the subject property, with an undertaking that he would pay the fair rent as prescribed by the respondents. On receipt of such application, the Commissioner shall independently consider the same and pass appropriate orders, within a further period of three months therefrom. Since the petitioner is running the textile unit in the subject property for the past ten years and considering the ensuing Diwali, Christmas and New Year seasons, the respondents shall not disturb the petitioner's possession of the subject property, till a decision is taken by the Commissioner of Hindu Religious and Charitable Endowments Department. Needless to say that the petitioner shall continue to pay the fair rent to the



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respondent Temple, as long as he is in possession of the subject property. In the event of any default in payment of fair rent, the respondent Temple is at liberty to take appropriate action to evict the petitioner.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
Internet : Yes
gk

03.11.2023

To

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