



W.P.(MD) No.7256 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.7256 of 2023

and

W.M.P.(MD) Nos.6849 and 6850 of 2023

S.K.Sheik Mydeen

.. Petitioner

Vs.

The Joint Commissioner/Executive Officer,
Arulmighu Meenakshi Sundareswar Temple,
Madurai.

.. Respondent

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records of the impugned order passed by the respondent in Na.Ka.No.8382/2022/E1/11 dated 13.12.2022 and quash the same as illegal.

For Petitioner : Mr.M.Kannan

For Respondent : Mr.VR.Shanmuganathan



W.P.(MD) No.7256 of 2023

WEB COPY

ORDER

This writ petition is filed for the issue of a Writ of Certiorari, to call for the records of the impugned order passed by the respondent in Na.Ka.No.8382/2022/E1/11 dated 13.12.2022 and quash the same in and by which the respondent has issued a show cause notice stating that the petitioner is in arrears of lease rentals and that the same has to be cleared on or before 10.01.2023 failing which the department will initiate proceedings under Sections 78 and 34(b) of the Hindu Religious and Charitable Endowments Act, 1959.

2. The impugned notice would state that the lease rentals till fasli 1432 measuring 41.65 quintals in respect of S.Nos.72, 981/1 and 86 was due. The petitioner would submit that originally his father was the cultivating tenant of the property. On his expiry on 30.03.1997, the petitioner and his brother have been continuing with the cultivation. The petitioner would submit that he is submitting lease rentals for 9 quintals of paddy and his brother for 2 quintals of paddy. He has also filed



W.P.(MD) No.7256 of 2023

receipts continuously from fasli 1404 to 1432. Therefore, for the period mentioned in the impugned order, the petitioner has paid the lease rentals and as on the date of the filing of the writ petition, there is no arrears. Therefore, the impugned show cause notice has to necessarily be set aside.

3. Accordingly, this writ petition is allowed, the impugned order dated 13.12.2022 is set aside. It is needless to state that the respondent can initiate fresh steps, if there is any arrear after affording appropriate opportunity to the petitioner to make his submissions. No costs. Consequently, connected miscellaneous petitions are closed.

26.04.2023

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

abr



WEB COPY



W.P.(MD) No.7256 of 2023

P.T.ASHA, J.

abr

To

The Joint Commissioner/Executive Officer,
Arulmighu Meenakshi Sundareswar Temple,
Madurai.

W.P.(MD) No.7256 of 2023

Dated: 26.04.2023