



W.A.(MD).No.899 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.11.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

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M.Gurusamy Nadar (Died)

1.G.Chitrai Kani

2.G.Siddharthan

3.G.Vivekanandan

4.G.Aravindan

.. Appellants/Petitioners

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Madurai.

2.The Deputy Commissioner,
Executive Officer,
Arulmigu Kallalagar Thirukovil,
Alagarkovil,
Madurai.

3.The Sub Registrar,
The Joint Registrar Office, No.4,
Palanganatham,
Madurai South, Madurai.

.. Respondents/Respondents



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the agreed portion of the order dated 24.03.2022 made in W.P.(MD).No.24554 of 2019 on the file of this Court and allow the Writ Appeal.

For Appellants : Mr.J.John

For R-1 : Mr.M.Lingadurai
Special Government Pleader

For R-2 : Mr.S.Manohar

JUDGMENT

(Judgment of the Court was delivered by V.LAKSHMINARAYANAN,J.)

The present Writ Appeal has been filed against the order dated 24.03.2022 passed in W.P.(MD).No.24554 of 2019.

2. The appellants were in arrears of Rs.36,51,640/-. Therefore, their properties were attached pending the Writ Petition and pursuant to the orders passed in a Civil Revision Petition, a sum of Rs.25,00,000/- had been paid leaving aside a balance of Rs.11,51,640/-.



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3. The learned counsel for the appellants submits that the appellants are willing to furnish a bank guarantee for this amount and on that basis, the attachment of the personal assets of the appellants may be raised. We are afraid that we are not in agreement with this submission.

4. The amount has been crystallised at Rs.36,51,640/-. The appellants are entitled to agitate the correctness of the fair rent order and till that amount is finalised, they are due and liable to pay this amount.

5. An order of attachment is passed only in order to secure the property, in the event, the appellants do not pay the amount. In case the appellants succeed in the proceedings to set aside the fair rent before the Appellate or the Revisional Authority and the amount is reduced, the appellants are always entitled for a refund.

6. As on today, the outstanding amount, as stated above, has not been paid. Therefore, the attachment order passed by the Temple authorities need not be raised. We make it clear that on payment of Rs.11,51,640/-, the



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attachment will be raised forthwith. In case the amount is not paid, the attachment shall continue and the authorities are at liberty to proceed further with the recovery of balance.

7. Accordingly, the Writ Appeal stands dismissed. There shall be no order as to costs.

(S.M.S.,J.) (V.L.N.,J.)
28.11.2023

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

To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Madurai.

2.The Sub Registrar,
The Joint Registrar Office, No.4,
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Madurai South, Madurai.



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and
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