



W.P(MD)No.3852 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3852 of 2015
and
M.P.(MD)Nos.1 to 3 of 2015

G.Velraj

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable,
Endowments Department,
Nungambakkam High Road,
Chennai-600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Palayamkottai,
Tirunelveli District.

3.The Executive Officer,
Arulmigu Sri Thirukuttrala Nathaswami Temple,
Kuttralam,
Tenkasi Taluk,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the 3rd respondent in his



W.P(MD)No.3852 of 2015

proceedings no. nil dated 31.12.2014 and quash the same as illegal and consequently to direct the 3rd respondent to transfer the name in the petitioner favour and to fix the fair rent as per the Guidelines issued in G.O.Ms.No.456 dated 09.11.2007 following the order of the 1st respondent in R.P.No.157 to 196 of 2004 D2 dated 5.5.2008.

For Petitioner : Mr.B.Micheal Sebastin

For Respondent : Mr.R.Ragavendran for R1 & R2
: Mr.S.Manohar for R3

ORDER

Heard the learned counsel on either side.

2. Two shops belonging to the respondent temple were leased out. The lessee sub-leased the same in favour of the petitioner. The petitioner is running a mess. The grievance of the temple is that the petitioner had not regularised his possession. Nor has he paid the rent. As a result, the arrears had mounted to a sum of Rs.24,00,000/- for both the shops put together. In these circumstances, the petitioner was treated as an encroacher. The petitioner's request for fixing fair rent was negatived primarily on the ground that he was never accepted as a lessee. Challenging the same, this writ petition came to be filed.



W.P(MD)No.3852 of 2015

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3. More than 8 years have elapsed since the writ petition was filed. The learned standing counsel states that status of the petitioner as a defaulter has not changed. He continues to be a defaulter. The only difference being that arrears have mounted to a huge amount. In these circumstances, it is not enough that the prayer made in the writ petition is for fixing fair rent and for recognizing the petitioner as a lessee. It is well settled that the temple has to necessarily conduct public auction so that it can maximize its revenue. The stand of the respondents cannot be faulted. Since the petitioner was never recognized as a tenant and he was in occupation of the sub lessee and since he is in arrears of Rs.24,00,000/-, the question of granting relief does not arise at all.

4. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

01.09.2023

Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.3852 of 2015

G.R.SWAMINATHAN, J.

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W.P(MD)No.3852 of 2015

01.09.2023