



W.P.(MD).No.22137 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.22137 of 2017

and

W.M.P.(MD)No.18448 of 2017

Dhanalakshmi

... Petitioner

Vs.

1.The State of Tamil Nadu,
represented by its Secretary to Government,
Hindu Religious and Charitable Endowments
Department,
Fort St. George, Chennai-600 009.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments
Department,
Trichy.

3.The Executive Officer,
Arulmigu Sivaloganathaswamy Thirukovil,
Sirukanur, Manachanallur Taluk,
Trichy District.

4.The Commissioner,
Hindu Religious and Charitable Endowments
Department,
119, Uthamar Gandhi Road,
Nungambakkam, Chennai-34.

... Respondents



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(R4 is suo motu impleaded vide Court order, dated 02.02.2023, in W.P.(MD)No. 22137 of 2017)

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 of the 3rd respondent's proceedings in Se.Mu.Na.Ka.No.6/2017, dated 15.11.2017 and to quash the same and consequently, to direct the respondents to refix the rent to the petitioner's land after correcting the mistake occurred in the calculation sheet of the 3rd respondent.

For Petitioner : Mr.P.Parthiban
For R1 & 2 : Mr.S.P.Maharajan
Special Government Pleader
For R3 : Mr.P.Thiyagarajan

ORDER

This writ petition is filed for writ of ***Certiorarified Mandamus***, to quash the 3rd respondent's proceedings, dated 15.11.2017 and consequently, to direct the respondents to refix the rent to the petitioner's land after correcting the mistake occurred in the calculation sheet of the 3rd respondent.

2. Through the impugned order, the respondents have passed an



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order to evict the petitioner from the said land. Aggrieved over the petitioner had filed petition before the Commissioner of HR and CE and the same is pending.

3. Pending writ petition, the petitioner was directed to pay the arrears rent of Rs.6,09,336/- through order, dated 09.12.2022. The petitioner sought installment and the same was granted. The petitioner has paid the said arrears through cheques, dated 29.12.2022 and 30.01.2023 and as on 30.01.2023, there was no arrears of rent. However, subsequently, the petitioner has not paid the said amount.

4. The contention of the petitioner is that the respondents ought to have regularized the petitioner on payment of Rs.6,09,336/-. In fact, this Court directed the respondent on such payment, to consider to regularize the petitioner's lease and to submit a report of the action taken. The learned Counsel for the 3rd respondent submitted that again for the subsequent months, the petitioner has defaulted, hence, the respondents could not regularize the



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petitioner's tenancy.

5. Therefore, this Court is of the considered opinion that the regularization of tenancy as well as the payment of rent should be simultaneous. The petitioner is directed to pay the rent for the month from 01.02.2023 to 31.10.2023. In future the petitioner shall not commit any default. In the meanwhile, the respondents shall consider the petitioner's tenancy and regularize the same within a period of six months from the date of receipt of a copy of this order. Until then, the petitioner shall not be evicted from the said place. The petitioner shall pay the rent on or before 5th of every month. If the petitioner is committing any default in future, the respondents are at liberty to take action.

6. The petitioner had filed appeal to the Commissioner and the same is pending. However, the petitioner had not impleaded the Commissioner as one of the parties. Hence this Court had suo motu impleaded the Commissioner as 4th respondent. While passing orders the, Commissioner shall



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consider the fact that the petitioner had paid the arrears rent.

7. With the above said observation, the writ petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

22.08.2023

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

Tmg

To

1.The Secretary to Government,
State of Tamil Nadu,
Hindu Religious and Charitable Endowments
Department,
Fort St.George, Chennai-600 009.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments
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Trichy.



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S.SRIMATHY, J.

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