



WP(MD)Nos.28128 to 28132 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)Nos.28128 to 28132 of 2023
and W.M.P(MD).Nos.24216, 24217, 24219, 24243 and 24245 of 2023

C.Anburaj	.. Petitioner in W.P(MD).No.28128 of 2023
V.Seenu	.. Petitioner in W.P(MD).No.28129 of 2023
K.Athilakshmi	.. Petitioner in W.P(MD).No.28130 of 2023
G.Sugumaran	.. Petitioner in W.P(MD).No.28131 of 2023
K.Abul	.. Petitioner in W.P(MD).No.28132 of 2023

vs.

- 1.The Commissioner,
Administrative Department,
Hindu Religious and Charitable Endowment,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Sivagangai Division,
Sivagangai.
- 3.The Joint Commissioner/Executive Officer,
Arulmighu Ramanathaswamy Thirukoil,
Rameswaram,
Ramnad District.

.. Respondents in all petitions



WP(MD)Nos.28128 to 28132 of 2023

Prayer in W.P(MD).No.28128 of 2023: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the third respondent in Na.Ka.No.1442/2020/A6, dated 14.11.2023 and quash the same and issue a consequential direction forbearing the respondents herein from evicting the petitioner from Shop No.23, East Car Street, Rameswaram, Ramanathapuram District.

Prayer in W.P(MD).No.28129 of 2023: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the third respondent in Na.Ka.No.1445/2020/A6, dated 14.11.2023 and quash the same and issue a consequential direction forbearing the respondents herein from evicting the petitioner from Shop No.27, East Car Street, Rameswaram, Ramanathapuram District.

Prayer in W.P(MD).No.28130 of 2023: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the third respondent in Na.Ka.No.1441/2020/A6, dated 14.11.2023 and quash the same and issue a consequential direction forbearing the respondents herein from evicting the petitioner from Shop No.22, East Car Street, Rameswaram, Ramanathapuram District.



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Prayer in W.P(MD).No.28131 of 2023: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the third respondent in Na.Ka.No.1443/2020/A6, dated 14.11.2023 and quash the same and issue a consequential direction forbearing the respondents herein from evicting the petitioner from Shop No.24, East Car Street, Rameswaram, Ramanathapuram District.

Prayer in W.P(MD).No.28132 of 2023: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the third respondent in Na.Ka.No.1444/2020/A6, dated 14.11.2023 and quash the same and issue a consequential direction forbearing the respondents herein from evicting the petitioner from Shop No.25, East Car Street, Rameswaram, Ramanathapuram District.

In all petitions

For Petitioners : Ms.K.Porkodi

For Respondents : Mr.P.Subbaraj
Special Government Pleader
for R1 and R2
Mr.S.Ramesh
Standing counsel for R3



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COMMON ORDER

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These Writ Petitions have been filed challenging the impugned notices issued by the third respondent on 14.11.2023, directing the petitioners to vacate from the Shop Nos.22 to 25 and 27 situated in East Car Street, Rameswaram, Ramanathapuram District.

2. The learned counsel appearing for the petitioners, by referring to the orders passed by this Court in W.P(MD).Nos.6804, 6810, 6811, 6813 and 7131 of 2020 on 21.02.2023, submits that the respondents have issued notices on 28.02.2020 and 28.05.2020, calling upon the petitioners to vacate from the premises by referring to the condition of Dhamani building which is in a dilapidated condition and challenging the same, the aforementioned writ petitions were filed and the petitioners have withdrawn the writ petitions on the ground that after filing the writ petitions, the said Dhamani building referred in the notices was demolished without evicting the petitioners. Thereafter, the impugned notices have been issued on 14.11.2023 directing the petitioners to vacate from the Shop Nos.22 to 25 and 27 situated in East Car Street, Rameswaram, Ramanathapuram District, by quoting the condition of the building. Aggrieved by the same, the present Writ Petitions have been filed.



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3. The learned counsel appearing for the petitioner submits that the petitioners are tenants of the third respondent Temple and are also paying the rent to the Temple without any default. They are prepared to pay fair rent, if any, prescribed by the respondents. Therefore, the respondents are not supposed to direct the petitioners to vacate from the shops without providing any opportunity. According to the learned counsel appearing for the petitioners, the building is in good condition and there is no necessity for demolishing the building. In the event, if the petitioners are to be evicted, it shall be done in the manner known to law.

4. Mr.S.Ramesh, the learned counsel takes notice for the third respondent and submits that the building is in a dilapidated condition and it may collapse at any point of time. Since the building is in the Temple property and belongs to the Temple, if any untoward incident takes place in the building, then the Temple Administration would be held responsible for the same. Therefore, the Commissioner, Hindu Religious and Charitable Endowments Department, Chennai, has already issued a direction to the third respondent to evict the tenants who are in the buildings. He further submits that the third respondent has also sent



a proposal to the Assistant Commissioner to initiate action under Section 78 of the said Act on 23.07.2023 and the impugned notices have been issued by the third respondent only to caution the petitioners that the Temple Administration would not take any responsibility for the incident, if any, takes place in the premises. The learned counsel also produced certain photographs to show the condition of the buildings.

5. This Court considered the rival submissions made by both sides and perused the materials available on record.

6. The petitioners have been recognized as tenants by the Hindu Religious and Charitable Endowments Department. The concern of the Department is only about the condition of the building. The Commissioner of the Hindu Religious and Charitable Endowments Department, has already issued a direction to the third respondent to evict the tenants from the building which is in a dilapidated condition. However, the third respondent/Executive Officer, who is a Law Graduate, has simply issued notices to the petitioners by stating that if any untoward incident takes place, the Temple Administration would not take responsibility for the same, without following the due process of law as required



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under Section 78 of the Act and has not taken any action as directed by the Commissioner to evict the tenants from the building. The impugned notices issued by the third respondent are only to exempt their liability from any untoward incident likely to happen in the building. From the photographs produced by the learned counsel appearing for the third respondent, it is seen that the building is in a dilapidated condition. Hence, this Court directs the third respondent to take appropriate action for evicting the tenants in the building which is in a dilapidated condition, in accordance with law.

7. Accordingly, these Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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

30.11.2023



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To

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B.PUGALENDHI, J.

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