



W.P.(MD)No.29022 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.29022 of 2023

and

W.M.P.(MD)No.25068 of 2023

Selvi

... Petitioner

versus

1. The Joint Commissioner,
HR&CE Department,
Madurai.

2. The Assistant Commissioner,
HR&CE Department,
Dindigul.

3. The Executive Officer,
Arulmighu Kambarayaperumal Thirukovil,
Cumbum,
Uthamapalayam Taluk,
Theni District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
seeking for the issuance of Writ of Certiorari, to call for the records
relating to the impugned order passed by the 2nd respondent in



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Na.Ka.No.3409/A3 dated 17.11.2023 and quash the same.

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For Petitioner : Mr.S.Sankar

For Respondents : Mr.P.Subba Raj,
Special Government Pleader

ORDER

The petitioner is a tenant of the 3rd respondent Temple in respect of the shop No.16E, Kondi Theru, Cumbum. The petitioner claims that she is the tenant for more than 30 years and she is selling the cow dung manure by using this shop. She further claims that initially, the monthly rent was fixed at Rs.2404/-, now, it was increased to Rs.7605/- without issuing any notice to her.

2. The 3rd respondent, by order dated 22.01.2018, demanded the petitioner to pay a sum of Rs.6,20,242/- towards arrears of rent and also initiated action under Section 78 of the HR&CE Act. As against the same, the petitioner has filed a writ petition before this Court in W.P. (MD)No.19144 of 2019. This Court, by order dated 03.09.2019 in



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W.M.P.(MD)No.15502 of 2019, passed an order of interim stay on condition that the petitioner shall deposit a sum of Rs.7 lakh on or before 01.10.2019 towards the arrears of rent, before the 3rd respondent Temple.

3. It appears that the petitioner has not paid that amount as directed by this Court and thereafter, the writ petition was allowed to be dismissed for non-prosecution. Now, the 2nd respondent, by order dated 17.11.2023, has initiated action under Section 79 of HR&CE Act to vacate petitioner. Challenging the same, the present writ petition has been filed.

4. Since the petitioner is having a huge arrears of rent and has also failed to utilize the opportunity, which has been provided by this Court in W.M.P.(MD)No.15505 of 2019, this Court is not inclined to entertain this writ petition. Accordingly, this writ petition is dismissed. If the petitioner pays the arrears of rent, the respondents shall consider



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the case of the petitioner sympathetically. No costs. Consequently,
connected miscellaneous petition is closed.

11.12.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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Madurai.
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Dindigul.
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B.PUGALENDHI, J.

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