



W.P.No.19645 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.19645 of 2020
and W.M.P.No.24275 of 2020

M.Saravanan

... Petitioner

VS.

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

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

3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Cuddalore-607001.

4.The Executive Officer,
Arulmighu Rajagopalaswami Temple,
Pudupalayam, Cuddalore-607001.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, call for the records and quash the notice dated 31.12.2018 issued by the 4th respondent.



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For Petitioner : No Appearance

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader (HR and CE)

ORDER

The Writ Petition is filed challenging the impugned notice issued by the 4th respondent dated 31.12.2018 directing one Ramakrishnan to pay a sum of Rs.22,02,300/- towards arrears of rent from the year 2016.

2. It is the case of the petitioner that a building situated in a site with an extent of 3600 sq.ft., in T.S.No.1751 situated at Lawrence Road, Thiruppadiripuliyur, Cuddalore Taluk and District, is in occupation of the petitioner and the same was admittedly belong to the 4th respondent-Temple. Originally, one Ramakrishna Chettiyar was the tenant under the 4th respondent-Temple. It is the claim of the petitioner that the building in the property was constructed by Ramakrishna Chettiyar and he sold the building to the petitioner's father. It is further stated that the petitioner's father submitted a representation dated 21.12.2015 before the respondents seeking regularisation of tenancy in his name-Marimuthu and the same has not been considered. Hence, the petitioner's father filed W.P.No.1534 of 2016 and the same came to be dismissed as withdrawn on 09.08.2018.



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3. Now, it is clear that the 4th respondent fixed fair rent under Section 34 (A) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 and fixed the fair rent at the rate of Rs.44,000/- per month from 01.07.2016 and the petitioner has not paid the said rent. Therefore, the impugned notice was issued on 31.12.2018 directing the petitioner to pay arrears of Rs.22,02,300/- within 7 days from the date of receipt of notice. In the impugned notice, it is also stated that in case of failure of the petitioner to pay the arrears of rent, proceedings will be taken against him under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, treating him as an encroacher. Aggrieved by the same, the petitioner has come before this Court.

4. When the writ petition is taken up for hearing, there is no representation for the petitioner.

5. However, the learned Special Government Pleader (HR and CE) appearing for the respondents, on instructions, submitted that pursuant to the impugned notice, proceedings were initiated against the petitioner treating him as an encroacher under Section 78 of the Tamil Nadu Hindu



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Religious and Charitable Endowments Act, 1959 in M.P.No.146 of 2023

and the same is pending.

6. In view of the fact pursuant to the impugned notice, eviction proceedings are already initiated against the petitioner under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, it is for the petitioner to appear before the Joint Commissioner and file his objections, if any. It is open to the petitioner to raise all of his defences in the proceedings initiated by the Joint Commissioner under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. The 2nd respondent shall consider the same and pass final orders on its own merits and in accordance with law.

7. With this clarification, the Writ Petition stands disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

29.11.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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To

WEB COPY

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S.SOUNTHAR, J.

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