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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.22008 of 2018
and W.M.P.Nos.25805 and 25806 of 2018

S.Subramani @ S.Mani ... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-600 034.

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

3.The Executive Officer,
Arulmigu Sivasubramaniaswamy Temple,
Kumarasamypatti,
Dharmapuri Town and Taluk,
Dharmapuri District.

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4.Arulmigu Sivasubramaniaswamy Temple,
rep.by its Hereditary Trustee,
Kumarasamypatti,
Dharmapuri Town and Taluk,
Dharmapuri District. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records of the third respondent pertaining to the Notice dated 07.08.2018 in respect of Shop No.38 situated in S.No.264/1C2, Nachiappa Road (Near DNC Theatre), Kumarasamypatti, Dharmapuri Taluk, Dharmapuri District and quash the same.

For Petitioner : Mr.N.Loganathan

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader
(HR & CE)
for R1 to R3

O R D E R

This Writ Petition has been filed challenging the impugned notice dated 07.08.2018 issued by the third respondent.

2. The learned counsel appearing for the petitioner submits that the petitioner was in occupation of the Shop No.38 situated in

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S.No.264/1C2, Nachiappa Road (Near DNC Theatre), Kumarasamypatti, Dharmapuri Taluk, Dharmapuri District and for non-payment of rent, the third respondent has issued the impugned notice dated 07.08.2018 demanding arrears of rent of Rs.1,57,581/- from the petitioner. He further submits that during the pendency of this writ petition, the petitioner died, however, he has paid the entire arrears of rent by way of installments. Therefore, this Court may grant liberty to the legal heirs of the petitioner to file a fresh application for renewal of the licence.

3. The learned Special Government Pleader appearing for the respondents 1 to 3 has not disputed the submission made by the learned counsel appearing for the petitioner and submits that if at all any renewal application is filed by the legal heirs of the petitioner, it will be considered in the manner known to law.

4. Since the petitioner has paid the entire arrears of rent as demanded by the third respondent vide impugned notice dated 07.08.2018,

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nothing survives for adjudication in this petition. However, liberty is granted to the legal heirs of the petitioner to make a fresh application for renewal of the licence in the manner known to law and on receipt of the application, the concerned respondent is directed to consider the same and pass appropriate orders.

5. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petitions are closed.

09.09.2024

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To

1.The Commissioner,
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2.The Joint Commissioner,
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3.The Executive Officer,
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M.DHANDAPANI, J.

ssb

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