



W.P.No.12605 of 2024

WEB COPY

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.12605 of 2024

A.B. Venkatesan

...Petitioner

Vs

1. The Joint Commissioner
HR&CE Department,
Kagithapatarai, Vellore-12.

2. The Assistant Commissioner,
HR&CE Department,
Kagithapatarai, Vellore- 12

3. The Administrative Officer,
Arulmigu Tharageswarar Temple,
Thottapalayam, Vellore -4

4. The Executive Officer,
Office of the Executive Officer,
Arulmigu tharageswarar Temple,
Thottapalayam, Vellore – 632 004.

...Respondents



W.P.No.12605 of 2024

PRAYER: This Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to remove the lock and seal put up by the 4th respondent on 21.01.2023 and allow the petitioner to run the commercial shop situated at No.2/2 Katpadi Road, Thottapalayam, Vellore-632 004 with a consequential direction to the respondents to fix a fair rent for the said commercial shop within a stipulated time and pass orders.

For Petitioner : Mrs. S. Sri Ranjiji

For Respondents : Mr.N.R.R. Arun Natarajan
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking a direction to the respondents to remove the lock and seal put up by the 4th respondent on 21.01.2023 and allow the petitioner to run the commercial shop situated at No.2/2 Katpadi Road, Thottapalayam, Vellore-632 004 with a consequential direction to the respondents to fix a fair rent for the said commercial shop.

2.The case of the petitioner is that the petitioner is running a commercial shop belonging to Arulmigu Thargeswarar Temple situated at Thotta palayam, Vellore – 632 004 for more than 20 years and there was



W.P.No.12605 of 2024

no default on payment of rent by the petitioner. As the shop was closed for two years due to covid-19, the petitioner made a representation with regard to fixing of fair rent on 12.03.2022 and 26.07.2022 respectively. However, the same was not considered. While so, the petitioner paid an amount of Rs.25,000/- on 15.02.2022 and Rs.25,000/- on 05.03.2022 and Rs.50,000/- on 21.01.2023 towards arrears of rent. In spite of the same the 4th respondent locked the shop on 21.01.2023 towards non-payment of arrears of rent and on 07.03.2023 the 4th respondent issued notice to the petitioner to pay an amount of Rs.4,93,900/- towards arrears of rent within 7 days from the date of receipt of the said notice otherwise action will be taken under Section 78,79(b) of Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. Thereafter, the respondent issued another notice to the petitioner on 30.09.2023 stating that the total rent arrears was Rs.5,44,993/-. When this being the case the petitioner has approached the respondents several times to remove the lock and seal put up in the shop by the 4th respondent. However, the same was not considered. Hence, this petition.



W.P.No.12605 of 2024

WEB COPY

3. The learned counsel for the petitioner submitted that he has given a representation to the third respondent to fix a fair rent on 26.07.2022 and to remove the lock and seal put up by the 4th respondent in the shop on 21.01.2023, since the livelihood of the petitioner depends upon the income from the shop. Hence, he seeks direction to the respondents to consider the petitioner's representation dated 21.01.2023 and pass orders.

4. The learned Additional Government Pleader appearing for the respondents submitted a letter dated 10.05.2024 written by the Executive officer of the temple wherein, it is seen that on 21.01.2023 the shop was sealed and in spite of the assurance made by the petitioner that he will be make the payment without any default, the seal and lock was removed and the petitioner was permitted to run the shop. However, the petitioner has not come forward to clear his dues. Hence, prays to dismiss this petition.

5. I have given anxious consideration to either side submissions and perused the materials available on records.



W.P.No.12605 of 2024

WEB COPY

6. On a perusal of records it is seen that this Court has already passed an interim order on 04.06.2024 and directed the petitioner to pay a sum of Rs.3,00,000/- to the 4th respondent on or before 04.07.2024 and the remaining amount of Rs.2,44,993/- to be paid on or before 05.08.2024. If the petitioner fails to pay the amount of Rs.3,00,000/- on or before 04.07.2024, the respondents are at liberty to take action against the petitioner in the manner known to law and directed the Registry to list the matter on 08.07.2024. In spite of the order passed by this Court the petitioner has not turned up and not even paid Rs.3,00,000/- which is the first installment amount to be paid.

7. At this juncture the learned counsel for the petitioner submitted that due to some financial constraints he was not able to comply with the orders passed by this Court and unable to pay the arrears of rent.

8. In view of the above, this Court directs the petitioner to vacate from the premises in question and handover the possession of the same to the respondent on or before 11.07.2024 without fail, failing which, the



W.P.No.12605 of 2024

WEB COPY

Respondent can evict the petitioner through the help of local police if necessary. Accordingly, this writ petition stands dismissed. There shall be no order as to costs.

08.07.2024

Index: Yes/No

Speaking order/Non-speaking order
smn

To.

1. The Director of Municipal Administration
1. The Joint Commissioner
HR&CE Department,
Kagithapatarai, Vellore-12.
2. The Assistant Commissioner,
HR&CE Department,
Kagithapatarai, Vellore- 12
3. The Administrative Officer,
Arulmigu Tharageswarar Temple,
Thottapalayam, Vellore -4
4. The Executive Officer, Office of the Executive Officer,
Arulmigu tharageswarar Temple,
Thottapalayam, Vellore – 632 004.



WEB COPY



W.P.No.12605 of 2024

V.BHAVANI SUBBAROYAN,J.

smn

W.P.No.12605 of 2024

08.07.2024