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W.P.No.17961 of 2024 etc ba



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM :

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.Nos.17961, 18047, 18704, 18714, 17970, 17972, 17975,
18718, 18018, 18021, 18024, 18025, 18015, 18019 & 18020,
18048, 18050 & 18051, 18007, 18009, 18010,
18011 & 18012 of 2024

and WMP.Nos.19695 & 19698, 19815 & 19818, 20510, 20512,
20514 & 20516, 20526, 20527, 20528 & 20529, 19704 & 19707,
19709 & 19711, 19710 & 19712, 20532, 20533, 20534 & 20535,
19775 & 19778, 19781 & 19782, 19783 & 19787, 19784 & 19788,
19767 & 19768, 19776 & 19777, 19779 & 19780, 19820 & 19823,
19824 & 19826, 19827 & 19829, 19752 & 19753, 19755 & 19757,
19758 & 19759, 19760 & 19762, 19761 & 19763 of 2024

W.P.Nos.17961 of 2024

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Petitioner

vs

The State Rep by its Additional Chief Secretary to Government
Tourism, Culture and Religious Endowments Dept
Govt of Tamil Nadu, Fort St.George, Secretariat,
Chennai - 9.



2. The Commissioner
Hindu Religious and Charitable Endowments Dept
Mahatma Gandhi Road
Nungambakkam, Chennai

3. The Joint Commissioner
Hindu Religious and Charitable Endowments Dept
Madurai – 625 001.

4. The Assistant Commissioner
Hindu Religious and Charitable Endowments Dept
Madurai – 625 001.

5. The Assistant Commissioner/Executive Officer
Arulmigu Koodal Alagar Temple
Madurai – 625 001. ... Respondents in all the WPs.

6. The Commissioner
Madurai Corporation
Madurai. ... 6th Respondent in
WP.Nos.18718, 18704 & 18714 of 2024

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the order of the 1st respondent in GO.Ms.No.167, Tourism, Culture and Religious Endowments Dept dated 16.03.2024 confirming the order of the 4th respondent dated 27.11.2017 in Na.Ka.No.2546/2015/A1 confirming the order of the 3rd respondent dated 12.11.2016 in Na.Ka.No.7166/2015/E1 quash the same and consequently direct the



respondents herein to provide alternative shop as per the representations before the 1st respondent herein.

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For Petitioner : Mr.L.Palanimuthu in all cases

For Respondents : Mr.N.R.R.Arun Natarajan, Spl.G.P
for respondents 1 to 6
in WP.Nos.17961 & 18047 of 2024.

Mr.N.R.R.Arun Natarajan, Spl.G.P
for respondents 1 to 5.
in WP.Nos.18704, 18714, 18025,
18024, 18021 & 18018, 17970,
17972, 17975 & 18718 of 2024.

Mr.A.M.Ayyadurai, GA for R6
in WP.Nos.18718, 18704 &
18714 of 2024.

Mr.K.Karthikeyan, GA for R1 to R5
in WP.Nos.18015, 18019, 18020,
18048, 18050, 18051, 18007, 18009,
18010, 18011 & 18012 of 2024

COMMON ORDER

The case of the petitioners is that they are in possession of the shops at Perumal Theppakulam East, Town Hall Road, Madurai belongs to Arulmighu Koodal Alagar Temple, Madurai and paying the rent fixed by the 5th respondent periodically without any default. The 5th respondent has fixed



the fair rent for leasing out the said shop as per GO.Ms.No.353 CT & RE dated 04.06.1999, GO.Ms.No.456 CT & RE dated 09.11.2007 and GO.Ms.No.298 CDCI dated 20.07.2010 in accordance with the area under possession and enjoyment of the lease holders. WP.(MD).No.1451 of 2011 was came to be filed to clear the illegal deposit of waste in the Theppakulam and now the Theppakulam is clean and hygienic look. In the meanwhile, the 4th respondent called upon the petitioners to show cause as to why an order of terminating the lease and to deliver vacant possession of the property should not be made. Pursuant to which, the petitioners have submitted their objections and requested to drop all further proceedings. Thereafter, the 3rd respondent without considering the objections properly issued an order dated 12.11.2016 under Section 80(4) of the HR&CE Act calling upon the petitioners to evict the petitioners within 30days from the date of receipt of the notice and hand over the possession to the temple authorities.

2. As against the said order the petitioners and other leaseholders have filed Appeals in AP.No.42 to 141/16.D2, after enquiry all the appeals have been dismissed by an Common order dated 25.04.2017 by the Commissioner/2nd respondent by confirming the eviction orders. The petitioner and other leaseholders have filed revision, the 4th respondent by an



order dated 27.11.2017 dismissed the revision observing that the appeal filed by the petitioner and others has been dismissed on 25.04.2017. Hence, the petitioners have filed the present writ petition.

3. This Court by an order dated 01.07.2024 directed the petitioners herein and other leaseholders to file an affidavit of undertaking to the effect that they would vacate the premises on or before 16.07.2024. If they do not vacate the premises on or before 16.07.2024 then on 18.07.2024, the officials are at liberty to proceed for demolishing the structure of the shops surrounding the Theppakulam, if any violation is done by the shop keepers that will be viewed seriously and appropriate orders will be passed. The HR&CE officials have also stated that only on the intervention of this Court, they are withdrawing the machineries from that place of eviction against the petitioners and they will proceed on 18.07.2024 morning as per the schedule.

4. Today, when the matter is taken up for hearing, the learned counsel for the petitioners submitted that appeals have been preferred before the Hon'ble First Bench as against the common order of this Court dated 01.07.2024 and the Hon'ble First Bench disposed of the Appeals by a



Common Judgment dated 02.08.2024 by giving certain directions and granted time till 31.03.2025 to the persons [numbering 6] who have filed an undertaking affidavit for vacating premises and for rest of the persons, [numbering 23] the writ appeals were adjourned to 05.08.2024.

5. In the light of the fact that the Hon'ble First Bench of this Court has already seized of the matter and these petitions falls under writ appeals, numbering 23, this Court is not inclined to entertain the prayer sought for in this Writ Petitions to issue any further direction. Accordingly, these Writ Petitions are dismissed as infructuous. It is open to the parties to canvass the rights before the Hon'ble First Bench in the pending Writ Appeals. No costs. Consequently, connected miscellaneous petitions are closed.

02.08.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

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V.BHAVANI SUBBAROYAN, J.

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