



WEB COPY

W.P.No.17966 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.17966 of 2024
and WMP.Nos.19702 & 19703 of 2024

Marishwaran

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Petitioner

vs

The State Rep by its Addl. Chief Secretary to Government
Toruism, 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

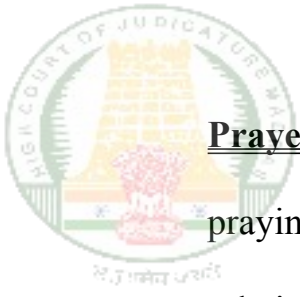
3.The Joint Commissioner
Hindu Religious and Charitable Endowments Dept
Madurai – 625 001.

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.

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Respondents



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, Toruism, Culture and Religious Endowments Dept dated 16.03.2024 confirming the order of the 4th respondent dated 27.11.2017 in Na.Ka.No.2555/2015/A1 confirming the order of the 3rd respondent dated 12.11.2016 in Na.Ka.No.7121/2015/E1 quash the same and consequently direct the respondents herein to provide alternative shop as per the representations before the 1st respondent herein.

For Petitioner : Mr.L.Palanimuthu

For Respondents : Mr.N.R.R.Arun Natarajan, Spl.G.P.

ORDER

The case of the petitioner is that he was in possession of the shop 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 petitioner 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 petitioner submitted the 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 petitioner to evict the petitioner 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 petitioner 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 petitioner has filed the present writ petition.



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3. This Court by an order dated 01.07.2024 directed the petitioner 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 petitioner submitted that an appeal has been preferred before the Division Bench as against the order of this Court dated 01.07.2024 and the Division Bench by an order dated 02.08.2024, has granted time till 31.03.2025 for vacating the premises.



5. In view of the above submission made by the learned counsel for the petitioner, nothing survives for further adjudication, accordingly, this writ petition is disposed of. 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

The State

Rep by its Addl. Chief Secretary to Government
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Govt of Tamil Nadu, Fort St.George, Secretariat
Chennai - 9.

2. The Commissioner

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V.BHAVANI SUBBAROYAN, J.

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