



WEB COPY



W.P. No.18570 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.07.2024

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

**W.P.No.18570 of 2024
and
WMP No.20359 and 20361 of 2024**

T. Vairamoorthy

....Petitioner

..Vs..

1. The Commissioner,
Hindu Religious and Charitable Endowment Dept.
Nungambakkam, Chennai – 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Dept.
Neela South Street, Nagapattinam – 611 001.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Dept.
Nagapattinam – 611 001.
4. The Executive Officer,
Arulmigu Kayaroganaswamy and Neelayatachiamman
Thirukovil, Nagapattinam – 611 001.

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent in Pa. Ma.No.111/2023/E2 dated 1.2.2024



W.P. No.18570 of 2024

consequential order of the 3rd respondent in Na.Ka.No.1139/20233/E1 dated 24.6.2024 and quash the same and consequently direct the 1st respondent to provide opportunity of hearing and pass orders accordingly.

For petitioner : Mr. P. Kannan Kumar
For Respondents : Mr.K. Karthikeyan (Govt. Advocate)

ORDER

This Writ petition has been filed seeking to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent in Pa.Ma.No.111/2023, dated 13.06.2024 and consequential order of the 3rd respondent in Na.Ka.No.1139/20233/E1, dated 24.06.2024 and quash the same and consequently, direct the 1st respondent to dispose the petitioner's revision dated 01.04.2024 as expeditiously as possible.

2. The learned counsel for the petitioner submits that the rent has been enhanced in a retrospective manner (from six years back) in an unilateral method by way of arbitrary proceedings without issuing any notice to the petitioner. The petitioner has filed a revision challenging the order in Pa.No.111/2023/E2 dated 01.02.2024 passed by the 2nd respondent, before the 1st respondent. Pending the aforesaid revision, the 2nd respondent has passed the order in Pa.Ma.No.111/2023 dated 13.06.2024 and



W.P. No.18570 of 2024

consequential order in Na.Ka.No.1139/20233/E1, dated 24.06.2024 has been passed by the 3rd respondent directing to evict the petitioner on 11.07.2024. While the outcome of the Revision is pending before the 1st respondent, the orders of the respondents 2 and 3 to evict the petitioner on 11.07.2024 are against the Law and liable to be set aside. Hence, the petitioner seeks relief as prayed for.

3. The learned counsel for the respondents submits that the petitioner has not paid rent properly and arrears of rent is to be paid upto Rs.12,92,005/- till 30.06.2024. Despite various notices with regard to pending of arrears of rent have been sent to the petitioner, he has not complied with the same. On enquiry with the 2nd respondent, the petitioner has failed to pay the arrears of rent. Hence, the respondents 2 and 3 have passed the orders to evict the petitioner from the premises belongs to the Temple. Hence, the writ petition filed by the petitioner is unsustainable and liable to be dismissed.

4. Heard both sides and perused the materials available on record.



W.P. No.18570 of 2024

WEB COPY

5. Having considered the facts and circumstances of the case and submissions made by both side counsel, it seems that the petitioner being the tenant of the temple premises, has to pay the rent properly. However, he has failed to pay arrears of rent as fixed by the respondents even though he was called upon by the 2nd respondent in this regard. Under such circumstances, this Court is not inclined to interfere with the orders passed by the respondents herein. Hence, the petitioner is hereby directed to pay the arrears of rent of Rs.12,92,005/- which is said to be paid by the petitioner till 30.06.2024, on or before 23.08.2024 failing which the respondents are at liberty to proceed against the petitioner in the manner know to law.

6. In view of the above direction, the Writ petition is closed.

No costs. Consequently, connected miscellaneous petitions are closed.

23.07.2024

Index : Yes/No

Internet: Yes/No

Lbm



WEB COPY



W.P. No.18570 of 2024

To

- The Commissioner,
Hindu Religious and Charitable Endowment Dept.
Nungambakkam, Chennai – 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Dept.
Neela South Street, Nagapattinam – 611 001.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Dept.
Nagapattinam – 611 001.
4. The Executive Officer,
Arulmigu Kayaroganaswamy and Neelayatachiamman
Thirukovil, Nagapattinam – 611 001



WEB COPY



W.P. No.18570 of 2024

V.BHAVANI SUBBAROYAN, J.,

Lbm

**W.P.No.18570 of 2024
and
WMP No.20359 and 20361 of 2024**

23.07.2024