



W.A.No.2267 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.A.Nos.2267, 2313, 2268, 2292, 2283 and 2271 of 2024

W.A.No.2267 of 2024:

Marishwaran

Versus

.. Appellant

1. 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 – 600 009.
2. The Commissioner
Hindu Religious and Charitable Endowments Dept
Mahatma Gandhi Road,
Nungambakkam,
Chennai – 600 034.
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
Arulmighu Koodal Alagar Temple,



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Madurai - 625 001.

.. Respondents

Prayer in W.A.No.2267 of 2024: Appeal under Clause 15 of the Letters Patent against the order dated 1.7.2024 passed by the learned Single Judge in W.M.P.No.19703 of 2024 in W.P.No.17966 of 2024.

and batch cases.

For the Appellants in all : Mr.AR.L.Sundaresan
the writ appeals Senior Counsel
for M/s.L.Palanimuthu

For the Respondents in : Mr.J.Ravindran
all the writ appeals Additional Advocate General
assisted by
Mr.N.R.R.Arun Natarajan
Special Government Pleader

COMMON JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

The appellants in these writ appeals are the licensees in respect of the shops put up in the land which was let out to them by Arulmigu Koodal Alagar Temple. The third respondent directed eviction of the appellants. The statutory appeal and revision filed by the appellants were dismissed by the respondent authorities. Assailing the same, the appellants filed writ petitions.



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2. The learned Single Judge, vide the order dated 1.7.2024 which is impugned in these appeals, recorded the undertaking given by learned counsel for the appellants that the appellants would vacate the premises on or before 16.7.2024. The shop keepers were directed to file an affidavit of undertaking to that effect. It was further held that if the appellants do not vacate the premises on or before 16.7.2024, then, on 18.7.2024, the officials may proceed with the demolition of the structure of the shops surrounding the Theppakulam. Assailing the said order, the present appeals are filed.

3. Heard learned Senior Counsel appearing on behalf of the appellants and learned Additional Advocate General appearing on behalf of the respondents.

4. Today, affidavits of undertaking have been filed by the appellants praying for one year time to vacate the premises in question and deliver vacant possession of the land to the respondent authorities.



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5. Learned Additional Advocate General strongly objected to the time period sought by the appellants and submitted that before the learned Single Judge the appellants had given an undertaking to vacate and handover the possession by 16.7.2024 and, therefore, it is not fair on their part to seek a further period of one year to vacate the premises.

6. After a studied scrutiny of the overall conspectus of the matter, more particularly on considering the fact that the appellants are licensees under the fifth respondent temple for several years, and in the light of the affidavits of undertaking filed by the appellants, we issue the following directions:

- i. The appellants are granted time till 31.3.2025 to vacate the premises and handover the possession of the land to the respondents;
- ii. The said latitude is granted on the basis of the specific undertaking given by the appellants that no application shall be filed by the appellants seeking grant of further time to vacate the premises;
- iii. If the appellants do not vacate and handover the



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premises on or before 31.3.2025, the respondents can proceed further and take possession of the premises, without any further notice; and

- iv. The appellants are directed to pay the license fee for the period from August, 2024 to December, 2024, within a period of two weeks from the date of receipt of a copy of this order. The license fee for the period from January, 2025 to March, 2025 shall be paid on or before 15.1.2025. In case of default, the respondents are at liberty to take further action for evicting the appellants without any further notice.

These writ appeals are disposed of with the aforesaid directions. There shall be no order as to costs. Consequently, C.M.P.Nos.16267, 16268, 16035, 15999, 16034, 16103, 16002, 16025, 16026, 16104, 16079 and 16080 of 2024 are closed.

(D.K.K., ACJ.) (K.B., J.)
02.08.2024

Index : No
NC : No
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To:

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THE HON'BLE ACTING CHIEF JUSTICE
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K.KUMARESH BABU,J.

(sasi)

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