



W.P.No. 21342 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.21342 of 2024

and

W.M.P.Nos.23298 and 23299 of 2023

1. K. Abdul Rahman
2. T. Ravooof Rahim
3. J. Tameem Ansari
4. S.A. Jafeer Sadique
5. T. Yusuf
6. R. Mohammed Sheik
- 7.K.Hidayathullah
8. J. Ansari
9. A.Kaja Maideen
10. A. Nagoor Meeran
11. J.Samsudeen
12. K.A. Basha

.. Petitioners

Versus

1. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai 600 034.

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai 600 034.



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3. The Executive Officer,
Komaleeswaran Temple
Komaleeswaran Pettai
Chennai – 600 002.

...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondents especially the first respondent, to pass orders on the basis of G.O.Ms HR&CE No.340 dated 06.08.2007 on the representation of the petitioner dated 28.06.2024 and pass orders.

For Petitioner

: Mr.S.Pushpakaran

For Respondents

:Mr.N.R.R. Arun Natrajan
Special Government Pleader

ORDER

This petition is filed to issue a direction directing the first respondent to pass orders on the basis of G.O.Ms Hr&Ce No.340 dated 06.08.2007 on the representation of the petitioner dated 28.06.2024.

2.Mr.N.R.R. Arun Natrajan, Special Government Pleader takes notice for the Respondents. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for



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final disposal.

3. The facts of the case is that the petitioners herein are tenants for the superstructure situated at No.25,Venkatachala Naicker Street, Pudupet, Chennai – 600 002 which belongs to Sri Komaleeswaran Devasthanam. It is stated that One Saraswathi Ammal had inducted all the 12 petitioners and 14 other as tenants. The petitioners were paying the rents without any default. It is stated that as per G.O.Ms.No.340 dated 06.08.2007 the Secretary, Government of Tamil Nadu has given instruction to regularize the tenants who are jointly occupying the temple land for several years. One person by name Mr.M.K.Jahir Hussain has already given the representation to the second respondent to regularize the tenants who are jointly occupying the temple land for several years. However, the same was not considered. Hence W.P.No.7942 of 2023 was filed before this Court and this Court vide order dated 19.09.2022 subject to the condition that the petitioner should pay the rental arrears. Pursuant to which 26 tenants have sent a joint representation to the first respondent on 28.06.2024 requesting to recognize them as direct tenants and the same was not considered till date. Hence, this petition.



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4. The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the first respondent to consider the petitioner's representation and pass orders.

5. The learned Special Government Pleader filed a status report on 29.07.2024 wherein, it was that there was rental arrears to be paid by the petitioners and if they pay the same they will consider the representation of the petitioner.

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

7. On a perusal of the status report it is seen that there was some rental arrears on the part of the petitioners and the relevant portion is extracted herender:



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அருள்மிகு கோமளீஸ்வரர் திருக்கோயில். கோமளீஸ்வரன் பேட்டை. சென்னை - 2.										
வ. எண்	தலைப்பு	கேட்பு			வநீல்			நிலுவை		
		நிலுவை	நடப்பு	கூடுதல்	நிலுவை	நடப்பு	கூடுதல்	நிலுவை	நடப்பு	கூடுதல்
திருமதி.C.P.சரஸ்வதி அம்மாள் கட்டிட உள் வாடகைதாரர்										
1	கடை எண்-1	150000.00	72000.00	222000.00	120000.00	0.00	120000.00	30000.00	7200.00	102000.00
2	கடை எண்-2	63000.00	36000.00	99000.00	36000.00	0.00	26000.00	27000.00	36000.00	63000.00
3	கடை எண்-5	58500.00	27000.00	85500.00	32250.00	0.00	32250.00	26250.00	27000.00	53250.00
4	கடை எண்-6	54500.00	27000.00	81500.00	24500.00	0.00	24500.00	30000.00	27000.00	54000.00
5	கடை எண்-7	42000.00	24000.00	66000.00	31000.00	0.00	31000.00	11000.00	24000.00	35000.00
6	கடை எண்-8	56000.00	24000.00	80000.00	24000.00	0.00	24000.00	32000.00	24000.00	56000.00
7	கடை எண்-10	34000.00	24000.00	58000.00	30000.00	0.00	30000.00	4000.00	24000.00	28000.00
8	கடை எண்-15	67500.00	27000.00	94500.00	27000.00	0.00	27000.00	40500.00	27000.00	67500.00
9	கடை எண்-24	22500.00	18000.00	40500.00	22500.00	10500.00	33000.00	0.00	7500.00	7500.00
10	கடை எண்-25	66000.00	24000.00	90000.00	32000.00	0.00	32000.00	34000.00	24000.00	58000.00
11	கடை எண்-25	66000.00	24000.00	90000.00	32000.00	0.00	32000.00	34000.00	24000.00	58000.00
12	கடை எண்-26	42000.00	36000.00	78000.00	42000.00	12000.00	54000.00	0.00	24000.00	24000.00
	ஆக கூடுதல்	656000.00	339000.00	995000.00	421250.00	22500.00	433750.00	234750.00	251700.00	548250.00

8. Hence, this Court directs the petitioners to pay the due amount which is indicated as above to the respondents on or before 20.09.2024.

This Court also directs the respondents to consider the claim of the petitioners with regard to recognizing them as direct tenants after



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receiving the due amount from them.

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9. With the aforesaid direction, this writ petition is disposed of. No order as to costs. Consequently, the connected miscellaneous petitions are closed.

29.07.2024

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn

To

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Nungambakkam, Chennai 600 034.
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Hindu Religious and Charitable
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V.BHAVANI SUBBAROYAN, J.

smn

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