



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.08.2024

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.22503 of 2024

M.Sundaram

... Petitioner

Vs.

1. The Commissioner,
Office of the Commissioner,
HR & CE Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-34.

2. The Joint Commissioner,
Officer of the Joint Commissioner,
HR & CE Department,
Salem District, Tamil Nadu-001.

3. The Assistant Commissioner,
Office of the Assistant Commissioner,
HR & CE Department,
Arulmigu Vennankodi Muniyappa Swamy Temple,
Omalur Main Road, Jagir Ammapalayam,
Salem District, Tamil Nadu-636 302.

.... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to consider the petitioners representation dated 15.07.2024 regarding the



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extension of the time frame of 3 days mentioned in the Emergency Note of Hindu Religious Charitable Endowments Department Arulmigu Vennenkodi Muniyappa Swamy Temple and to allot the shop towards the petitioner where the construction of the new shops has been completed according to their plan and protect the livelihood of the petitioner's family.

For Petitioner : Mr.A.Sivakumar Sivaaji

For Respondents : Mr.K.Karthikeyan, GA
(HR & CE)

ORDER

The Writ Petition has been filed for a direction to the respondents to consider the petitioners representation dated 15.07.2024 regarding the extension of the time frame of 3 days mentioned in the Emergency Note of Hindu Religious Charitable Endowments Department Arulmigu Vennenkodi Muniyappa Swamy Temple and to allot the shop towards the petitioner where the construction of the new shops has been completed according to their plan and protect the livelihood of the petitioner's family.

2. The case of the petitioner is that the petitioner participated in the auction conducted by the HR & CE Department and took a shop in auction and run by paying the rent at Rs.18,000/- per month. In such circumstances, due to covid-19 the shop was closed and he is paying the rent without any



default till date. Subsequently, the petitioner received an emergency note stating to remove the temporary shops situated at both right and left side of the Arulmigu Vennankodi Muniyappa Swamy Temple for the purpose of setting up a new shops. The petitioner made a representation on 15.07.2024 to the respondents to extend the time to vacate the shop and also to allot the shop towards him. They have not taken any action. Hence, the present writ petition.

3. The learned counsel for the petitioner submitted that the respondents have demanded arrears amount which is relates to Covid period and also to vacate the shop. This Court may issue a direction to the respondent to deduct the amount in the lockdown period and issue a fresh demand to the petitioner and permit him to continue in the temporary shed for a period of three months. After a period of three months, the petitioner is ready to vacate the premises and permit him to participate the auction conducted by the respondents with regard to the newly constructed shopping complex.

4. The learned Special Government Pleader submitted that the total arrears of rent is Rs.1,37,150/- from April 2019 to till date. The petitioner



is irregular in paying the rent.

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5. Heard the learned counsel for the petitioner, the Special Government Pleader appearing for the respondents 1 to 3 and perused the materials available on record.

6. Considering the fact and circumstances of the case, this Court directs the 3rd respondent to issue a revised demand of rent to the petitioner after deducting the rent for the lockdown period within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such demand, the petitioner is directed to pay the entire arrears within a period of four weeks thereafter. Further the petitioner is directed to handover the property after three months. However, liberty is granted to the petitioner to participate in the auction to be conducted.

7. With the above direction, the Writ Petition is disposed of. No costs.

08.08.2024

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To

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M.DHANDAPANI,J.

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