



W.P.No.28946 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28946 of 2024

A.B.Venkatesan
Petitioner

...

Vs.

- 1.The Joint Commissioner,
HR & CE Department,
Kagithapatarai,
Vellore-12.
- 2.The Assistant Commissioner,
HR & CE Department,
Kagithapatarai,
Vellore-12.
- 3.The Administrative Officer,
Arulmigu Tharageswarar Temple,
Thottapalayam,
Vellore-4.
- 4.The Executive Officer,
Office of the Executive Officer,
Arulmigu Tharageswarar Temple,
Thottapalayam,
Vellore-4.



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....Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the entire records pursuant to the notice issued by the first respondent vide Miscellaneous Petition No.76/2024/Aa1 dated 13.08.2024 and quash the same with a consequential direction to the respondents to permit the petitioner to continue the occupation of the commercial shop situated at No.2/2, Katpadi Road, Thottapalayam, Vellore-632004, by imposing any condition within a stipulated time.

For Petitioner : Mr.T.P.Prabakaran

For R1 & R2 : Mr.N.R.R.Arun Nataraj
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the notice issued by the first respondent vide Miscellaneous Petition No.76/2024/Aa1 dated 13.08.2024 and for a consequential direction to the respondents to permit the petitioner to continue the occupation of the commercial shop situated at No.2/2, Katpadi Road, Thottapalayam, Vellore-632004.



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2. The learned counsel appearing for the petitioner submits that the petitioner is the tenant of the fourth respondent Temple and for non-payment of arrears of rent, the fourth respondent has locked the petitioner's shop and the first respondent has issued the impugned notice under Section 78(1) of the Hindu Religious and Charitable Endowments Act, dated 13.08.2024, considering the petitioner as encroacher. He would further submit that during the pendency of this petition, a sum of Rs.6,32,581/- as claimed by the fourth respondent as arrears of rent has been paid by the petitioner through cheque and therefore, this Court may direct the respondents to remove the lock and seal put up by them in the petitioner's shop.

3. The learned Special Government Pleader appearing for the first and second respondents, on instructions, confirms that the petitioner has paid the entire arrears of rent by way of cheque.



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4. In view of the submissions made by the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the first and second respondents, this Writ Petition is disposed of directing the respondents to remove the lock and seal put up in the petitioner's shop and withdraw the impugned notice issued under Section 78(1) of the Hindu Religious and Charitable Endowments Act, 1959. There shall be no order as to costs.

14.10.2024

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb



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To

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M.DHANDAPANI, J.

ssb

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