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W.P.No.31594 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.31594 of 2024
and W.M.P.Nos.34339 and 34340 of 2024**

T.Vairamoorthy

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam,
Chennai-600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Neela South Street,
Nagapattinam-611 001.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
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



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praying for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the third respondent in Na.Ka.No.1139/2023/E1 dated 17.10.2024 and quash the same and consequently, direct the first respondent to dispose of the petitioner's revision in R.P.No.251/2024, D2 dated 19.07.2024.

For Petitioner : Mr.P.Kannan Kumar

For Respondents : Mr.S.Ravichandran
Additional Government Pleader
(HR & CE)

ORDER

This Writ Petition has been filed challenging the order dated 17.10.2024 passed by the third respondent in Na.Ka.No.1139/2023/E1 and for a consequential direction to the first respondent to dispose of the petitioner's revision in R.P.No.251/2024, D2 dated 19.07.2024.

2. The case of the petitioner is that the property in T.S.Nos.781, 782 and 783 measuring to an extent of 731 sq.ft was rented out to the petitioner by the Executive Officer, Arulmigu Kayaroganaswamy and Neelayatachiamman Thirukovil, Nagapattinam. The third respondent has initiated proceedings under Section 78 of Tamil Nadu Hindu Religious and



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Charitable Endowments Act, 1959, against the petitioner before the second respondent alleging that he has not paid the rent. The second respondent, without providing proper opportunity and without considering written objections filed by the petitioner, passed an *ex-parte* order on 01.02.2024. Challenging the same, the petitioner filed W.P.No.4445 of 2024 and it was disposed of on 23.02.2024 granting liberty to the petitioner to challenge the aforesaid order before the first respondent by filing revision under Section 21 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, and thereafter, the petitioner has filed revision petition in R.P.No.251/2024, D2 before the first respondent. When the revision petition is pending before the first respondent, the second and third respondents passed the proceedings dated 13.06.2024 and 24.06.2024 directing to evict the petitioner. Challenging the same, the petitioner has filed W.P.No.18570 of 2024 before this Court and this Court, vide order dated 23.07.2024, directed the petitioner to pay the arrears of rent of Rs.12,92,005/- which was said to be paid by the petitioner till 30.06.2024, on or before 23.08.2024, failing which, the respondents were directed to



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proceed against the petitioner in the manner known to law and thereafter, the petitioner has paid a sum of Rs.10,00,000/- as arrears of rent on 28.08.2024 in favour of the fourth respondent Temple. However, again the third respondent has passed the impugned order directing to evict the petitioner on 24.10.2024 at 10.00 a.m., even though the revision petition filed by the petitioner is pending before the first respondent. Challenging the same, the present writ petition has been filed.

3. When the matter is taken up for hearing, the learned counsel appearing for the petitioner, on instructions, submits that the petitioner is ready to pay a sum of Rs.4,00,000/- as arrears of rent in favour of the fourth respondent Temple.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.



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5. In view of the submission made by the learned counsel appearing for the petitioner, this Court, without interfering with the impugned order dated 17.10.2024 passed by the third respondent, directs the petitioner to pay a sum of Rs.4,00,000/- (Rupees Four Lakhs only) in favour of the respondent No.4 Temple within a period of four weeks from the date of receipt of a copy of this order, failing which, the respondents are directed to initiate eviction proceedings against the petitioner. If the petitioner pays the amount within the aforementioned period, the third respondent is directed not to take action against the petitioner till the disposal of the revision petition pending before the first respondent. The petitioner shall continue to pay a sum of Rs.16,546/- (Rupees Sixteen Thousand Five Hundred and Forty Six only) as monthly rent on or before 7th of every English calendar month in favour of the fourth respondent Temple, till the decision is taken by the first respondent in the revision petition filed by the petitioner.

6. Accordingly, this Writ Petition is disposed of. There shall be no



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order as to costs. Connected miscellaneous petitions are closed.

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

To

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- 2.The Joint Commissioner,
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