



W.A.No. 3580 of 2

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No. 3580 of 2024
and
C.M.P.No. 27814 of 2024

K.Vijayakumar

...Appellant

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowment Board,
No.119, Uttamar Gandhi Salai,
Chennai- 600 034.

2.The Assistant Commissioner / Executive Officer (i/c),
Arulmigu Parthasarathy Temple,
Triplicane,
Chennai - 600 005.

3.The Tahsildar,
Mylapore,
Chennai.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 19.09.2024 made in W.P.No.5700 of 2021.



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For Appellant : Mr.T.Govindasamy

For Respondent : Mr.N.R.R.Arun Natarajan

Special Government Pleader for R1 & R2

Mr.P.Balathandayutham

Special Government Pleader for R3

J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

The appellant challenges the order of the Writ Court made in W.P.No.5700 of 2021, dismissing the said writ petition on the ground that the petitioner has not approached the Court with clean hands. Challenge in the Writ Petition was to the notice issued by the 2nd respondent, calling upon the petitioner to pay the arrears of rent for the period between 01.07.2016 to 30.11.2019. This is only a notice calling upon the petitioner / appellant to pay the arrears of rent.

2. Mr.T.Govindasamy, learned counsel appearing for the appellant would vehemently contend that the calculation itself is wrong and if the correct calculation is given, he would pay the rent. The very challenge to this notice, in our considered opinion, is misconceived. The notice issued is



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only a notice, calling upon the tenant to pay the arrears of rent. If there is any mistake, the tenant would have rested after pointing it out. The very fact that this notice is issued without prejudice to Temple to avail the remedies available to it under Section 78 & 79 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 shows that non-compliance with this notice will not result in any other penal consequence except launching of proceedings under 78 & 79.

3. If proceedings are launched under Section 78 & 79, it is open to the petitioner / appellant to defend the same in the manner known to law. The notice, which is impugned in the Writ Petition, in our considered opinion, does not visit the appellant with any civil consequences and therefore, this Writ Appeal is **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (C.K., J.)

03.12.2024

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Internet: Yes

Index: No

Speaking order

Neutral Citation : No

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To:

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R.SUBRAMANIAN, J.
and
C.KUMARAPPAN, J.

KKN

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