



W.P(MD)No.5295 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 06.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.5295 of 2024 and
WMP(MD) Nos.5083 & 5086 of 2024

Kaadhar Mohammed Rafi.J,

... Petitioner

Vs

1.The Commissioner,
Hindu Religious and Charitable Endowments Department
(HR and CE),
No.119, Uththamar Gandhi Road,
Nungambakkam,
Chennai - 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
(HR and CE),
Ellis Nagar,
Madurai - 625 016.

3.The Assistant Commissioner Cum Executive Officer,
Arulmigu Koodal Alagar Temple,
Madurai – 1.

...Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 3rd



W.P(MD)No.5295 of 2024

respondent in his proceedings in Na.Ka.No.65/2016/A4 dated 27.02.2024 and quash the same as illegal, arbitrary, without jurisdiction and in violation of principles of natural justice.

For Petitioner	: Mr.D.Saravanan Senior Counsel for Mr.D.Kirubakaran
For R1 & R2	: Mr.P.Subba Raj Special Government Pleader
For R3	: Mr.S.Manohar

ORDER

The case of the petitioner is that the property in Door Nos.102/1, Old No.240/1 situated in S.No.1800, Block No.19, Ward No.4, Madurai West Taluk, Madurai belongs to Arulmighu Mangala Anganeyar Thirukovil, which is a sub-temple of Arulmighu Koodalazhagar Thirukovil, Madurai. The petitioner is running a fancy store in the said premises and a fair rent has also been paid by the petitioner to the temple authorities from the year 2008. A rental agreement has also been entered in between the petitioner and the temple authorities and the same was renewed periodically. The grievance of the petitioner is that by the impugned notice, the respondents have called upon the petitioner to vacate the property



W.P(MD)No.5295 of 2024

that auction for this property is scheduled on 08.03.2024.

Challenging the same, the petitioner is before this Court.

2.The learned counsel appearing for the petitioner submits that this petitioner is running a fancy store in the said premises from the year 2008 and paying the fair rent to the temple authorities without any default. There is a delay in conducting the auction and in the auction, the petitioner is also intending to participate. However before concluding the auction, the petitioner was directed to vacate the property. The learned counsel further submits that he is not having any arrears of rent.

3.Mr.P.Subba Raj, learned Special Government Pleader takes notice for the respondents and submits that auction for the subject property is scheduled to be conducted on 08.03.2024.

4.This Court considered the rival submissions made and also perused the materials placed on record.



W.P(MD)No.5295 of 2024

5.The petitioner is running a fancy store in the subject property from the year 2008. The petitioner claims that he is not having any arrears of rent payable to the temple authorities. The auction for the subject property is scheduled to be conducted on 08.03.2024. The petitioner is intending to participate in the auction. In the event, if the petitioner succeeds in the auction, the petitioner is entitled to continue to possess the shop.

6.In view of the above, this writ petition is disposed of with a direction to the respondents not to disturb the possession of the petitioner, till the auction is concluded. No costs. Consequently, connected Miscellaneous Petitions are also closed.

06.03.2024

NCC:Yes/No
Index:Yes/No
Internet:Yes
vrn



W.P(MD)No.5295 of 2024

To

WEB COPY

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department
(HR and CE),
No.119, Uththamar Gandhi Road,
Nungambakkam,
Chennai - 600 034.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
(HR and CE),
Ellis Nagar,
Madurai - 625 016.
- 3.The Assistant Commissioner Cum Executive Officer,
Arulmigu Koodal Alagar Temple,
Madurai – 1.



WEB COPY



W.P(MD)No.5295 of 2024

B.PUGALENDHI, J.

vrn

Order made in
W.P(MD)No.5295 of 2024 and
WMP(MD) Nos.5083 & 5086 of 2024

06.03.2024