



W.P.(MD) No.8480 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.8480 of 2024

and

W.M.P.(MD) No.7670 of 2024

Poompuhar Shipping Corporation Ltd.,
Kanniyakumari Ferry Service,
Kanniyakumari.
Rep. by its Manager.

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
119, Nungambakkam High Road,
Chennai – 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tirunelveli.

3.The Joint Commissioner/Executive Officer,
Kanyakumari District Temples,
Suchindrum, Kanniyakumari.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for
issuance of a Writ of Certiorari calling for the records relating to the



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impugned order passed by the second respondent in M.P.No.3/2024 dated 21.03.2024 and quashing the same as illegal.

For Petitioner : Mr.M.Jerin Mathew
For R1 & R2 : Mr.P.T.Thiraviam
Government Advocate
For R3 : Mr.R.Sankar Ganesh
Standing Counsel

ORDER

In the Writ Petition, the petitioner has challenged the impugned order dated 21.03.2024 passed by the second respondent in M.P.No.3 of 2024 calling upon the petitioner to pay the arrears of rent of Rs. 2,06,68,102/- within 28.03.2024, failing which, the respondents will initiate the proceedings under the provisions of the Revenue Recovery Act, 1864.

2. The petitioner claims that the aforesaid demand is contrary to G.O.(Ms) No.9, Highway & Minor Ports (HM-1) Department, dated 10.03.2023. It is submitted that the petitioner is a non-profit organization and therefore cannot be mulcted with huge amount as fair rent payable by the petitioner for 12431 sq.ft. of land that has been taken on lease by the



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petitioner for boating/ferry service to the tourists from the main land to

Swami Vivekananda Rock and Thiruvalluvar Statue.

3. On the other hand, learned Government Advocate for the first and second respondents submits that the fair rent was fixed as early as 04.02.2013 by a committee under Section 34-A of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. It is submitted that a further appeal before the first respondent Commissioner is pending and the petitioner has not bothered for disposal of the said appeal. Instead, the petitioner has continued to commit default despite the revision of fair rent in the year 2013. It is further submitted that the petitioner has paid a sum of Rs.84,70,046/- on 02.02.2024 which is only a portion of the fair rent out of Rs.2,06,68,102/- payable by the petitioner from 01.07.1998 till date.

4. Further, the learned Government Advocate submits that earlier a Writ Petition was filed by one Mr.A.Radhakrishnan in W.P.(MD) No. 16838 of 2019 and that this Court had disposed the said Writ Petition on 30.03.2019 with the following directions:



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The writ petition has been filed for a Mandamus to direct the 2nd respondent Corporation to remit the arrears of rent for a sum of Rs. 1,76,61,322/- till the period of July 2018 along with the subsequent accumulated rent arrears till the date of the order and to secure and safeguard the temple property from the 2nd respondent Corporation.

2.The party-in-person is present today.

3.Though notice has been served on the contesting respondent, namely, the 2nd respondent, there is no representation on behalf of the 2nd respondent even today, despite the case being listed on several occasions.

4.The learned counsel for the official respondents, namely respondents 1 and 3 to 5 and the learned counsel for the 6th respondent are present. The 6th respondent has filed a counter, wherein it has been stated that the 2nd respondent is in arrears of Rs. 2,32,70,541/- till 31.12.2021.

5.It is further submitted that the 2nd respondent is engaged in Port service and earning huge profit. It is therefore submitted that there is no justification in not paying the rental arrears to the 6th respondent temple.

6.Considering the above, I direct the respondents 1, 3 and 5 to take appropriate steps to recover the rental arrears from the 2nd respondent in accordance with law. The proceedings shall be initiated by the respondents 1, 3 and 5 within a period of 30 days from the date of receipt of a copy of this order.

7.The writ petition stands disposed of, in terms of the above observation. No costs.



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5. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Government Advocate for the first and second respondents and the learned Standing Counsel for the third respondent.

6. There are no merits in the present Writ Petition. Whether the petitioner is entitled for concession in the light of G.O.(Ms) No.9, Highway & Minor Ports (HM-1) Department, dated 10.03.2023 or not can be canvassed by the petitioner in the appeal pending before the first respondent Commissioner against the order of the Joint Commissioner fixing the fair rent on 04.02.2013. As long as the demand stands confirmed, the petitioner has no option except to pay the rent.

7. The petitioner has paid a sum of Rs.84,70,046/- on 02.02.2024 which is confirmed by the learned counsels for the respondents. The petitioner is directed to pay another sum of Rs.50,00,000/- [Rupees Fifty Lakhs only] to the respondents within a period of 60 days from the date of receipt of a copy of this order. This amount shall be paid without prejudice to the rights in the appeal filed against the order fixing the fair rent on 04.02.2013.



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9. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

03.04.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

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Copy To:
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C.SARAVANAN, J.

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