



W.P.(MD) No.11444 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.11444 of 2024
and
W.M.P.(MD) Nos.10181 & 10182 of 2024**

M.Azis Raja

... Petitioner

Vs.

1.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowments Department
Dindigul.

2.The Executive Officer,
Arulmigu Kalahatheeswarar Temple,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records of the 2nd respondent dated 21.05.2024, quash the same, as the same is arbitrary, ultravires, in contravention of the provisions of Tamil Nadu Hindu Religious and Charitable Endowment Act 22/1959 and in violation of the order dated 12.08.2022 passed by the 1st respondent.



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For petitioner : Mr.R.G.Shankar Ganesh

For respondents : Mr.P.Subbaraj
Special Government Pleader for R1
Mr.V.Chandrasekar
Standing Counsel for R2

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the first respondent and the learned Standing Counsel for the second respondent.

2. This Writ Petition is filed for the relief of calling for the records of the 2nd respondent dated 21.05.2024, quash the same, as the same is arbitrary, ultravires, in contravention of the provisions of Tamil Nadu Hindu Religious and Charitable Endowment Act 22/1959 and in violation of the order dated 12.08.2022 passed by the 1st respondent.

3. The case of the petitioner is that the petitioner is the lessee of the land belonging to the second respondent/Temple namely, Arulmigu Kalahatheeswarar



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Temple, Dindigul and that the lease has been confirmed in favour of the petitioner by the first respondent in his proceedings dated 12.08.2023 as original lease was in the name of the petitioner's partner namely, Murugesan, who had paid fifteen months rent as donation and six months rent as advance.

4. It is submitted that the second respondent has now issued show cause notice calling upon the petitioner to vacate 799.33 sq.ft of the rented area out of 2185 sq.ft. The learned counsel for the petitioner would submit that he is willing to vacate and hand over the aforesaid area pursuant to the impugned order. However, the learned counsel for the petitioner would submit that the respondents should be directed to adjust the advance and donation paid against the future rent by proportionately reducing the rent.

5. That apart, it is prayed that the respondents to restrain from damaging the articles of the petitioner as the petitioner is running textile showroom.

6. That apart, the learned counsel for the petitioner would submit that



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the petitioner should be permitted to put up temporary wall pending permission of the Commissioner for the permanent wall.

7. The learned Standing Counsel for the second respondent would submit that aforesaid request of the petitioner will be considered and acted accordingly and work order will be issued to permit the petitioner to put up permanent wall separating the premises, which will be under the control of the petitioner under lease and the work order will be issued within a period of one week from today.

8. That apart, the learned Standing Counsel for the second respondent would submit that the rent will be proportionately reduced and the amount paid as donation and the rental advance in the year 2022 pursuant to the order dated 12.08.2022 will be adjusted proportionately against the future rents.

9. Recording the above submissions, this Writ Petition stands allowed as prayed for. The first respondent shall also ensure the petitioner shall co-operate with the second respondent by removing his articles, so that the articles are not



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damaged or put up any deterioration as the demolition work will be involved. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes / No
apd

03.06.2024

To

The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowments Department
Dindigul.



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C.SARAVANAN, J.

apd

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