



W.P.(MD)No.1547 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.1547 of 2025

A/M.Sri Tharugavaneshwarar Alaiya
Adimanai Vadakaitharargal Nalasangam,
Represented by its President,
S.Radhakrishnan

...Petitioner

Vs

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Road,
Chennai – 600 034.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Office of the Joint Commissioner,
Neelagiriswarar Thoppu, Tiruvanaikoil,
Tiruchirapalli – 6.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Office of the Assistant Commissioner,
Neelagiriswarar Thoppu, Tiruvanaikoil,
Tiruchirapalli – 6.
- 4.The Executive Officer,
A/M.Thirupparaithurai Kovil,
Thirupparaithurai Village,
Srirangam Taluk,
Trichy District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the fourth respondent Temple to receive the Rental arrears and dues from the Petitioner Society members in equated installments as envisaged under G.O.Ms.No.340 dated 06.08.2007 and consequently direct the respondents to regularize the tenancy of the Petitioner Society members within a time frame fixed by this Court.

For Petitioner : Mr.S.I.Muthiah

For R-1 to R-3 : Mr.P.Subbaraj
Special Government Pleader

For R-4 : Mr.V.Chandrasekar

ORDER

Heard Mr.S.I.Muthiah, learned counsel for the petitioner, Mr.P.Subbaraj, learned Special Government Pleader for the respondents 1 to 3 and Mr.V.Chandrasekar, learned counsel for the 4th respondent.

2. The Writ Petition is filed praying for a Mandamus, directing the fourth respondent Temple to receive the Rental arrears and dues from the Petitioner Society members in equated installments as envisaged under G.O.Ms.No.340 dated 06.08.2007 and consequently direct the respondents to regularize the tenancy of the Petitioner Society members.



W.P.(MD)No.1547 of 2025

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3. It is to be noted that this Court in the earlier round of litigation in W.P.(MD)No.46 of 2024 had held that the members of the petitioner Association are entitled for regularization of tenancy as per G.O.Ms.No.340 dated 06.08.2007, subject to him filing an affidavit of undertaking as required under the said Government Order. Pursuant thereto, an affidavit of undertaking has been filed by the respective individuals who are the members of the petitioner's Association and thereafter fair rent had also been fixed including the dues that are payable by each of the members of the petitioner's Association. However, when they attempted to send the reminder representing the amount, the same had been returned solely on the ground that the consolidated amount had been paid by the petitioner Association.

4. It is to be noted that the petitioner had filed the present writ petition representing its members who are tenants under the fourth respondent Temple. In such an event, the individuals are only recognized as tenants under the Temple and they are expected to pay rent individually and not collectively.



W.P.(MD)No.1547 of 2025

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5. In such circumstances, the members of the petitioner's Association is directed to pay the amount individually to the fourth respondent as fixed by the individual order dated 17.12.2024 by availing the benefit given under clause 3 para 3 of the Government Order in G.O.Ms.No.340 dated 06.08.2007, within a period of three weeks from today.

6. With the above direction, this Writ Petition is disposed of.
There shall be no order as to costs.

22.01.2025

NCC:yes/no

Index:yes/no

Internet:yes/no

Nsr

Note: Issue Order Copy on 24.01.2025.



W.P.(MD)No.1547 of 2025

To:
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W.P.(MD)No.1547 of 2025

K.KUMARESH BABU, J.

Nsr

W.P.(MD)No.1547 of 2025

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