



W.P.(MD)No.6753 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

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1. M.Thiruppathi
2. M.Nagaraj
3. M.Maheswaran
4. M.Anandhan
5. M.Saravanan
6. P.Natarajan
7. T.Nagaraj
8. N.Kumaresan

: Petitioners

Vs.

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Madurai.

2. The Executive Officer,
Arulmigu Mahadevasamy Temple,
Rajamill Road,
Madurai -10.

3. Karthi

4. Aandavan Engineering Works,
Paal,
10,R Rajamill Main Road,
Madurai-01.

5. Latha Engineering Works,
10, R, Rajamill Main Road,
Madurai-01.



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6. Nagendran Wooden Shop,
10, O, Rajamill Main Road,
Madurai-01.

7. Aandavan Engineering Works,
Gopi,
10, O, Rajamill Main Road,
Madurai-01.

8. New Saravana Battery Works,
Arjunan,
10, N, Rajamill Main Road,
Madurai-01.

9. Selvam (Paper and Water Can Shop),
10, M, Rajamill Main Road,
Madurai-01.

10. Maniyan and Co Engineering Works,
10, K, Rajamill Main Road,
Madurai-01.

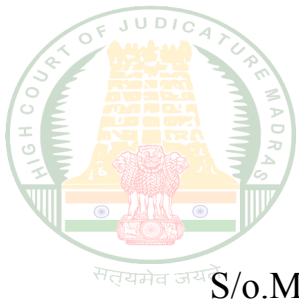
11. Gubendran,
Sri Kamatchi Welding Works,
10, Rajamill Main Road,
Madurai-01.

12. Kumar Engineering Works,
10, F, Rajamill Main Road,
Madurai-01.

13. All Motors Repair Workshop,
10, F, Rajamill Main Road,
Madurai-01.

14. Roja Electrical Works,
10, F, Rajamill Main Road,
Madurai-01.

15. M.Paal Raj,



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S/o.Manickam Aasari,
10, Rajamill Main Road,
Madurai-01.

16. Meenatchi Engineering Works,
10, F, Rajamill Main Road,
Madurai-01.

17. Kaliappan Bitter Works,
Arjunan,
10, N, Rajamill Main Road,
Madurai-01.

18. Ohm Sivamyil Tools,
10, Rajamill Main Road,
Madurai-01.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to deposit the rental amount in O.S.No.163 of 2018 before the District Munsif Court, Madurai consequently direct the respondent 1 and 2 do not to create any encumbrance in the suit property.

For Petitioners : M/s.Ganesan Legist Law Firm
Mr.A.Ganesan

For Respondents : Mr.K.S.Selvaganesan
Government Advocate for R1
Mr.S.Manohar for R2
No appearance (R3 to R18)



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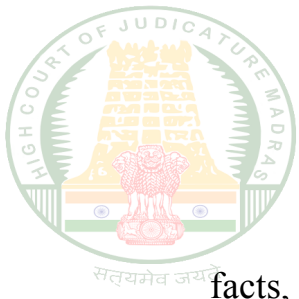
ORDER

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The petitioner has filed this Writ Petition directing the private respondents to deposit the rental amount in O.S.No.163 of 2018, before the District Munsif Court, Madurai and also to direct the respondents 1 and 2, not to create any encumbrance in the suit property.

2. Heard the learned counsel for the parties.

3. The learned counsel for the petitioners submits that the petitioners are the legal heirs of Venkatachalam Pillai, who was in possession of the property in Town Survey No. 1208/13, Raja Mill Road. The property surrounding the Arulmigu Mahadevasamy Temple originally belonged to Chinnapillai, who managed the temple and its lands. Chinnapillai executed a Will in 1903, leaving the property and trusteeship to his daughters, Chokkeeyammal and Muthammal. After Muthammal's death, Chokkeeyammal transferred the property and trusteeship to Venkatachalam Pillai via a registered settlement deed in 1953, and this right was inherited by his heirs, including Mupillianpillai and his sons. The grievance of the petitioners is that despite the above



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facts, the first respondent unlawfully took control of the property, though the ownership has been established in our favour in S.A. No. 1037 of 1966. Thereafter, the petitioners filed a civil suit in O.S. No. 829 of 2017, pending in the District Munsif Court, Madurai and a writ petition in W.P. (MD) No. 18638 of 2023, where this Court had directed not to precipitate the issue until the civil suit is disposed of.

4. The learned Additional Government Pleader, appearing on behalf of the first respondent, submits that since the petitioners have admitted that the civil suit in O.S.No.829 of 2017, is pending before the District Munsif Court, Madurai, they can raise all their issues before the competent civil Court.

5. At this juncture, the learned counsel for the petitioners submitted that one of the tenants of the subject property has filed W.P. (MD) No. 8136 of 2023, in which this Court passed the following order on 24.07.2023. The relevant portions of the order are extracted hereunder:

“The petitioner is in possession of the said land from 1974 onwards. Since there was a dispute between the



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respondents, the petitioner has failed to pay rent from 01.07.2016 to 06.11.2022. On 06.11.2022 and hence the 1st respondent initiated proceeding and evicted the petitioner from the said place. Through the impugned order the 1st respondent has directed the petitioner to pay the arrears of rent of Rs. 7,51,984/-, failing which action would be initiated under section 79(c), hence the petitioner has filed the present writ petition.

5. It is seen from the records that the petitioner had filed a suit in O.S.No.728 of 2017 on the file of Additional District Court, Madurai inter alia praying to discharge his liabilities when there is rival claim and injunction. There is no interim order and the said suit is pending. The husband of the 2nd respondent namely Thangamani had filed suit in O.S.No.163 of 2018 on the file of Munsif Court, Madurai for declaration. After the demise of the said Thangamani the 2nd respondent being the wife of the deceased and the 3 to 5 respondents being children of the deceased are impleaded.

6. The petitioner cannot take advantage of the title dispute and refrain from paying the rent. Therefore, this Court passes the following order:



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i. The petitioner is directed to deposit the undisputed rent for a period from 01.07.2016 to 06.11.2022 in three installments.

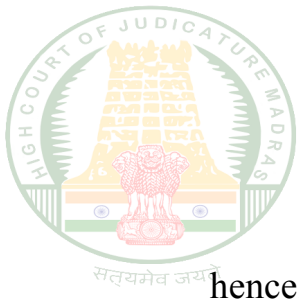
ii. As far as the disputed rent is concerned, the petitioner shall deposit 25% of the increased amount in the suit filed by the said Thangamani in in O.S.No.163 of 2018 on the file of Munsif Court, Madurai.

iii. The 1st respondent is directed to serve the particulars along with calculation sheet which was arrived to fix increased fair rent.

iv. On receipt of the same, the petitioner may challenge the same before the appropriate authority and the impugned order is kept in abeyance.

v. The fixation of fair rent proceedings shall not be cited as evidence by the 1st respondent in the declaration suit filed by the respondent 2 to 5. The Civil Court shall independently analyze the evidence regarding the title of the suit property. The amount that would be deposited by the petitioner would be decided based on the outcome of the suit.”

The learned counsel for the petitioners submits that the order of this Court is squarely covered to the case of the petitioners herein also and



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hence, he submits that the same benefit can be extended to the petitioners also.

6. Considering the facts and circumstances of the case and also taking into account the observations made by this Court, since the dispute between the parties is sub judice before the competent civil Court, the respondents shall at liberty to deposit the rental amount in O.S.No.163 of 2018 which is pending before the District Munsif Court, Madurai.

7. This writ petition stands disposed of with the above direction.

There shall be no order as to costs.

20.03.2025
(2/2)

Index : Yes / No

NCC : Yes / No

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To

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2. The Executive Officer,
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VIVEK KUMAR SINGH, J.

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