

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

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Thursday, the Thirteenth day of February Two Thousand and Twenty Five

PRESENT

The HONOURABLE MR. JUSTICE B.PUGALENDHI

WMP(MD). No.10952 of 2024
in
WP(MD) No.6245 of 2024

1.The Secretary to the Government,
Tourism and Culture Endowments Department,
Secretariat, Chennai 600 009.

2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam High Road.,
Chennai-600 034.

... Petitioner/ Respondents 1 &2

Vs

1 Radhakrishnan A
S/o.T.Arumuga Gounder,
38, Mettu Agraharam
Salem - 636001.

2 The Director of Audit
Hindu Religious and Charitable Endowments Department,
No.9/19, Maharaj Suriya Salai,
Alwarpet, Chennai 600 018.

3 The District Collector
Tuticorin

4 The Inspector General of Police,
South Zone Madurai.



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

6.The Chairman Board of Trustee/fit Person,
Arulmigu Subramania Swamy Temple,
Tiruchendur,Tuticorin District.

7 The Joint Commissioner/executive Officer,
Arulmigu Subramania Swamy Temple,
Tiruchendur,Tuticorin District.

... Respondents 2 to 7/Respondents 3 to 8

Prayer in WMP(MD) No.10952 of 2024:-

This Writ Miscellaneous Petition is filed under article 226 of the Constitution of India,to extend the further time of 3 months to comply the order in W.P.(MD). No.6245 of 2024 dated 22.03.2024 on the file of this Honourable Court.

Prayer in WP(MD) No.6245 of 2024:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to initiate appropriate action as against the 6th respondent to recover the huge rental arrears payable to 8th respondent temple property based on the petitioners representation dated 04.02.2024 and also secure and safeguard the 8th respondent temple property from the hands of 6th respondent.

ORDER:-

This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.P.Thiraviam, Government Advocate for the Petitioner and of Mr.. A.Radha Krishnan, Party in Person, Mr.Muthu Geethaiyan, Advocate for the 2nd to 5th respondents, this Court made the following order:



The Government and the Commissioner of Hindu Religious and Charitable Endowments Department have filed this miscellaneous petition seeking extension time by three months to comply with the orders of this Court dated 22.03.2024 passed in WP(MD)No.6245 of 2024. The said writ petition was filed by a devotee that the Joint Commissioner, HR and CE Department, Tirunelveli is having his office in the temple property of Arulmigu Subramania Swami Temple, Tiruchendur, has failed to pay the rent taking advantage of their position and as such there is a huge arrear of rent liable to be paid by the Department to the temple.

2.The Department admitted its liability and took a stand that necessary proposal was made to the government for payment of this arrears of rent and it would be paid to the temple within a stipulated time. Recording this submissions made on behalf of the Joint Commissioner, this Court disposed of the writ petition filed by the 1st respondent by order dated 22.03.2024 directing the 1st respondent to ensure that the arrears of rent due to the temple is paid on or before 05.06.2024.

3.The 1st respondent / party-in-person submits that this application needs to be dismissed for the reasons that this application itself was filed only on 03.06.2024 seeking extension of time to comply with the order dated 22.03.2024 passed in WP (MD) No.6245 of 2024. Further this extension has also been sought for a period of three months from 03.06.2024 and that had expired in the month of August 2020. The official respondents, who are the authority to initiate action as against the encroachers of the temple land, have occupied the land of Arulmigu. Subramanya Swamy temple and has failed to pay the rent to the temple for the past 12 years. He



also requested this Court to take a suo motu contempt as against the official respondents for not having complied with the orders of this Court.

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4.The learned Additional Government Advocate appearing for the official respondents submits that there was some delay in complying with the orders of this Court dated 22.03.2024 that they got opinion from the Government Pleader's Office and thereafter they have made a calculation. Now necessary proposal has been made to the government and finally the government have also passed government order in GO.Ms.No 56, Tourism, Culture and Endowments(ED1-2) Department dated 29.01.2025 sanctioning a sum of Rupees 54,35,660/-. The writ petitioner has projected as if the arrears is Rs.90,00,000/-. However, after the calculation, it was found that the actual amount liable to be paid is Rs.54,34,660/-. Since the government have passed necessary government order on 29.01.2025, it would be paid to Arulmigu Subramania Swami temple within a period of ten days.

5.This court considered the rival submissions made.

6.The petitioner party- in- person has taken up this cause on behalf of the Arulmigu Subramania Swami temple. The Hindu Religious and Charitable Endowments Department has been established for the purpose of maintaining the temples and its properties. There is a failure on the part of the department in paying the rent to Arulmigu Subramania Swami temple. As rightly pointed out by the writ petitioner, the authority who is supposed to take action as against the defaulters of



payment of rent on the temple property himself has failed to pay the rent to the temple.

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7.The office of the Joint Commissioner, HR & CE Department is functioning in the properties belonging to Arulmigu Subramania Swami temple and they have not paid the rent from December 2011 to March 2024 and the arrears accumulated to the tune of Rs.54,35,660/-.

8.It is now reported that the amount has been sanctioned and it has also been paid to the temple. Even now the arrears of rent has been paid only up to 31.03.2024. The balance rent due from April 2024 to till date is yet to be paid. The temple is entitled for interest for the belated payment of rent. Considering the difficulties in imposing the cost or interest on the officials, this Court extended the time till 07.02.2025 and now the amount is also settled. The Department has to realise their responsibility and avoid such incidents in future. The Department shall also ensure the remaining arrears of rent is settled without any further delay.

9.In view of the above discussion, this petition is closed. No costs.

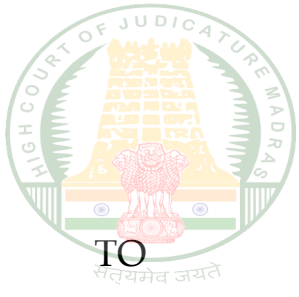
Sd/-

Assistant Registrar(CO)

// True Copy //

/03/2025

Sub Assistant Registrar
(CS- I/ II / III / IV)



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Hindu Religious and Charitable Endowments Department
No.9/19 Maharaj Suriya Salai
Alwarpet, Chennai 600 018.

2 The District Collector
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3 The Inspector General of Police,
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5 The Joint Commissioner/executive Officer,
Arulmigu Subramania Swamy Temple,
Tiruchendur,Tuticorin District.

6.The Special Govt. Pleader,
Madurai Bench of Madras High Court, Madurai.

+1CC to M/s.SPL GP(SR.NO.9530)



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ORDER DATED : 13/02/2025

ORDER

WMP(MD). No.10952 of 2024
in
WP(MD) No.6245 of 2024
Giving direction and etc.
as stated within.

MGJ(19.03.2025) 7P 8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023