



W.A(MD) No.1505 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 19.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A(MD) No.1505 of 2022
and
C.M.P.(MD)No.12594 of 2022**

S.Prakasam

... Appellant / Writ Petitioner

Vs

- 1.The Commissioner,
Hindu Religious Endowment Board,
Chennai.
 - 2.The Joint Commissioner,
Hindu Religious Endowment Board,
Madurai.
 - 3.The Assistant Commissioner,
Hindu Religious Endowment Board,
Madurai.
 - 4.The Executive Officer,
Arulmigu Puttu Urchava Vagayara Kattalai,
Puttuthoppu, Madurai 16.
 - 5.The Chairman of Trustee / Thakkar,
Arulmighu Puttu Urchava Vagayara Kattalai,
Puttuthoppu, Madurai-16.
- ... Respondents / Respondents**



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order passed in W.P.(MD)No.9563 of 2022, dated 29.06.2022 and allow the writ appeal.

For Appellant : Mr.N.Marimuthu

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader
for R1 to R3

: Mr.M.Saravanan
for R4

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

The appellant Prakasam is a tenant under the 5th respondent Endowment. Vide communication dated 25.04.2022, the executive officer of the endowment termed the appellant as a defaulter and cancelled the permanent lease itself. Challenging the same, the appellant filed W.P.(MD)No.9563 of 2022. The learned single Judge vide order dated 29.06.2022 dismissed the writ petition taking note of his conduct. Challenging the same, this writ appeal came to be filed.



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2. It is beyond dispute that the impugned communication was not preceded by any show cause notice. Thus, there is a violation of the principles of natural justice on the very face of it. On this sole ground, we interfere. The learned counsel appearing for the appellant submitted that even though he had made several lump sum payments, they have not been given due credit.

3. The fifth respondent is directed to take into account the payments already made by the appellant upon production of the receipts. The matter is remitted to the file of the fifth respondent to proceed in the manner on merits and in accordance with law. The order of the learned single Judge is set aside. The writ appeal is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (M.J.R., J.)
19.03.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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AND

M.JOTHIRAMAN, J.

rmi

To

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