

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Tenth day of November Two Thousand and Twenty

PRESENT

The Hon`ble Mr.Justice N.KIRUBAKARAN
and
The Hon`ble Mr.Justice B.PUGALENDHI

WP(MD) No.15887 of 2020

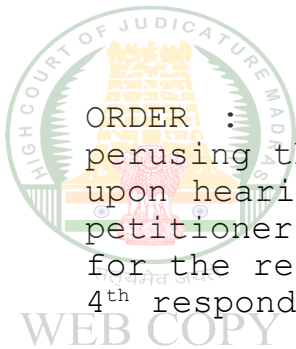
V.PETHANAN

... PETITIONER

Vs

- 1 THE STATE OF TAMIL NADU
REP.BY SECRETARY TO GOVERNMENT,
HINDU RELIGIOUS ENDOWMENT DEPARTMENT,
FORT ST.GEORGE, CHENNAI - 600 009.
- 2 THE COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT,
CHENNAI - 34.
- 3 THE JOINT COMMISSIONER, (*)
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT,
M.PALAYAM, ELLIS NAGAR, MADURAI-16.
**(*) CAUSE TITLE DELETED VIDE COURT ORDER DATED 10.11.2020
IN WP(MD)NO.15887 OF 2020 BY NKKJ AND BPJ)**
- 4 THE EXECUTIVE OFFICER
ARULMIGU SREE KAMBARAYAPERUMAL AND
KASIVISVANATHA TEMPLE, KAMBAM,
UTHAMAPALAYM TALUK, THENI DISTRICT. ... RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a writ of Mandamus or any other writ or direction of a like nature directing the respondents to vacate the unauthorized occupants made in the premises owned by Arulmigu Sree Kambarayaperumal and Kasivisvanatha Temple, Kambam comprised in Survey No.769 and 857, Kambam City, Uthamapalayam Taluk, Theni District and let the same in public auction so as to collect the fare rent from the occupants of the temple premises by considering petitioner's representation dated -05-2020.



ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.S.C.HEROLD SINGH, Advocate for the petitioner and of Mr.K.P.NARAYANAKUMAR, Special Government Pleader for the respondents 1 to 3 and Mr.GUHASEELA RUPAN, Advocate for the 4th respondent, the court made the following order:-

(Order of the Court was made by **N.KIRUBAKARAN, J.**)

It is evident from the records that earlier, the petitioner has filed a writ petition in W.P.(MD)No.10338 of 2020 before this Court, seeking the very same relief as sought for in the present writ petition and thereafter, he withdrew the writ petition and hence, the said Writ Petition was dismissed as withdrawn on 28.08.2020. Subsequently, the present Writ Petition has been filed by the petitioner seeking the very same relief.

2. In view of the above facts and circumstances of the case, this Court is of the considered opinion that though this Writ Petition is not maintainable, considering the scope of the matter, this Court does not want to stick on the technicalities.

3. Mr.K.P.Narayanakumar, learned Special Government Pleader, takes notice for the respondents 1 to 3. Mr.Guhaseela Rupan, learned Counsel, takes notice for the fourth respondent.

4. Taking into consideration the allegation made regarding the sub-letting and the payment of lesser rent to the properties belonging to the temple and the consequential loss to the temple, this Court directs the learned Counsel appearing for the fourth respondent to furnish the following details:

(i) The persons who are in occupation of the properties belonging to the temple?

(ii) What is the extent of the occupation of the properties belonging to the temple?

(iii) The period of occupation?

(iv) The monthly rent being paid as on date individually?

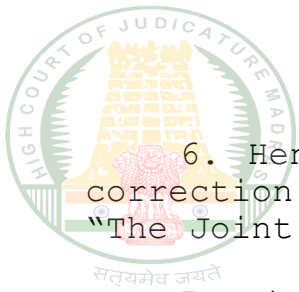
(v) When was the last revision of rent taken place?

(vi) When would the next revision of rent be taken place?

(vii) What is the total amount as on date as monthly rent being paid by the tenants and what is the total income to the temple by way of rent from the tenants every month?

(viii) Whether the original tenants are occupying the properties or sub-letting the properties and if so, who are the sub-lessees?

5. It is brought to the notice of this Court by the learned Special Government Pleader appearing for the respondents 1 to 3 that in the cause title, the third respondent is wrongly mentioned as "The Joint Commissioner/ Executive Officer" instead of "The Joint



6. Hence, the Registry is directed to carry out the necessary correction in the cause title by mentioning the third respondent as "The Joint Commissioner" and delete the words "Executive Officer".

7. List the matter **after two weeks.**

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sd/-
10/11/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE SECRETARY TO GOVERNMENT,
THE STATE OF TAMIL NADU
HINDU RELIGIOUS ENDOWMENT DEPARTMENT,
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UTHAMAPALAYM TALUK, THENI DISTRICT.

ORDER
IN
WP(MD) No.15887 of 2020
Date :10/11/2020

MS/VR/SAR-3/20.11.2020/3P.5C