



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Writ Petition (MD)No.15259 of 2015

Dhanalakshmi

... Petitioner

Vs.

1.The State of Tamilnadu,
rep.by its Secretary to Government,
Hindu Religious & Charitable Endowments Dept.,
Fort St.George,
Chennai - 9.

2.The Joint Commissioner,
Hindu Religious & Charitable Endowments Dept.,
Trichy.

3.The Executive Officer,
Arulmigu Sivaloganathaswamy
attached to Prasanna Venkatachalapathy
temple, Tirupattur,
Manachanallur Taluk,
Trichy District.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 09.04.2013 in Se.Mu.Pa.Mu.No.4125/13/E1 of the third respondent and the consequential impugned order dated 20.07.2015 of the third respondent and quash the same and consequently forbear the respondents from fixing the rent till the lease period is over as per lease deed dated 13.07.2011.

For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.R.Velmurugan
R1 & R2 Government Advocate

ORDER

This Writ petition has been filed praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 09.04.2013 passed by the third respondent in Se.Mu.Pa.Mu.No.4125/13/E1 and consequential order of the third respondent



dated 20.07.2015 and quash the same and consequently forbear the respondents from fixing the rent till the lease period is over as per lease deed dated 13.07.2011.

2. Mr.R.Velmurugan, learned Government Advocate, takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal at the admission stage.

3. The case of the petitioner is that the third respondent temple has leased out the land in Survey Nos.538/11B and 538/3A at Siruvarur Village to an extent of 28 cents to the petitioner and the said lease has been renewed on 13.07.2011 for a period of 90 years. The petitioner has been doing agricultural work in the said land. After acquiring large extent of land by the national highways in the year 2010, only 28,000 sq.feet is left out and now, the petitioner is in possession of the said land. Rent has been fixed as Rs.150/- for the said land, and the petitioner has paid the same without any default. The petitioner has constructed a house in the said land and got electricity connection, on production of No Objection Certificate issued by the third respondent. In such circumstances, the third respondent has passed the impugned order on 09.04.2013, refixing the rent from Rs.500/- to Rs.9523/-. Based on the said impugned notice, the petitioner was called upon to deposit a sum of Rs.2,38,075/-. Aggrieved over the same, the present writ petition has been filed.

4. The only submission made by the learned counsel appearing for the petitioner is that before passing the impugned order, no opportunity of hearing was given to the petitioner. Further, the learned counsel placed reliance upon the order passed by the Division Bench of this Court in **WP No.1611 of 2008 [Arulmigu Angala Parameswari and Kasivishwanathaswami temple Vs. Secretary to Government, State of Tamilnadu, HR & CE Dept., and 3 others]**, wherein, an opportunity of hearing was given to the petitioner. Thus, the learned counsel would submit that by following the said order, similar direction can be given in the present writ petition.

5. In view of the said submission, I am of the opinion that before refixing rent, an opportunity of hearing should be given to the petitioner to put forth his case. Therefore, the third respondent is directed to afford an opportunity of hearing to the petitioner and after hearing the petitioner, the third respondent is directed to pass appropriate orders on merits and in accordance with law.

6. With the above direction, the writ petition is disposed of. No costs. Connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar

/True Copy/



1.The Secretary to Government,
State of Tamilnadu,
Hindu Religious & Charitable Endowments Dept.,
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Chennai - 9.

2.The Joint Commissioner,
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Trichy.

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Trichy District.

+1cc to M/S.J.Anand Kumar, Advocate in SR.No 49026

+1cc to Special Government Pleader in SR.No. 49547.

TS/01.09.2015/3P - 6C JGD-DP/SAR -J

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