

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.07.2016

Coram

The Hon'ble Mr.Justice M.DURAIWAMY

CRP(NPD)NO.1366 of 2015

Thiruvannamalai Sevasramam
Educational Trust
rep. By its Secretary/Correspondent
Dr.D.Subburayan

...Petitioner

Vs

1. The Joint Commissioner
HR & CE Department,
Villupuram.
2. Esanya Madam
Thiruvannamalai,
rep. By its Madathipathi
Srila Sri.M.M.Meyappa Gnanadesiga
Swamingal, Kovilur Mutt,
Karaikudi Taluk,
Sivagangai District

... Respondents

Civil Revision Petition filed under Section 227 of the Constitution of India against the order of the Commissioner, HR & CE Administration Department, Chennai 34 made in A.P.No.13 of 2014 dated 2.1.2015.

For Petitioner : Mrs.G.Sumitra for
Mr.R.Subramanian

For Respondents : Mr.T.Jayaramaraj,
GA (R1)
Mr.V.Srikanth (R2)

O R D E R

Challenging the order passed by the Commissioner, HR & CE Administration Department, Chennai in A.P.No.13 of 2014 dated 2.1.2015, the operative portion of which reads as follows:-

“(1) Both the appellant and the 2nd respondent Mutt is directed to produce records/documents related to construction of building before the Joint Commissioner. The Joint Commissioner after verifying the said documents place the same before the fair rent fixation committee.

(2) The committee should verify the documents and decide who constructed the building.

(3) Thereafter, fair rent has to be fixed in accordance with the provisions of the Act subject to compliance of the condition imposed in Sl.No.4 and communicated to the appellant within 3 months from the date of receipt of this order.

(4) Since it is not in dispute that some of the buildings are in exist prior to 1994, the appellant is directed to pay the 50% of the fair rent fixed in the impugned order till fixation of fair rent as directed above. And also the appellant is directed to pay the 50% of arrears within one month from the date of receipt of this

order. If the appellant failed to comply with the above order, the objection of the appellant need not be considered and the 2nd respondent is at liberty to take action in accordance with the law with the above direction, the appeal petition is disposed of".

the petitioner/Trust, has filed the above Civil Revision Petition.

2. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that the petitioner had entered into a fresh lease agreement dated 10.06.2016 with the 2nd respondent. As per clause 4 of the agreement, the petitioner agreed to accept the order dated 02.01.2015 passed by the Commissioner in toto.

3. Now, it is brought to the notice of this Court that subsequent to the passing of the order dated 02.01.2015, the petitioner had paid a sum of Rs.63,65,550/- to the 2nd respondent.

4. As per clause 4 of the operative portion of the order dated 02.01.2015, the Commissioner had directed the revision petitioner to pay 50% of the fair rent fixed in the impugned order till fixation of fair rent. Further, the Commissioner had directed the revision petitioner to pay 50%

of the arrears within one month from the date of receipt of that order.

5. Since it is not in dispute that the petitioner had paid a sum of Rs.63,65,550/–, the direction given in Clause 4 of the order dated 02.01.2015 has no relevancy. In these circumstances, I am of the view that since the petitioner had agreed to accept the impugned order dated 02.01.2015 in toto, the 1st respondent herein viz., the Joint Commissioner, HR & CE, Villupuram, may be directed to decide Clause 1, 2 and 3 of the order dated 02.01.2015 within a time frame.

6. Accordingly, the 1st respondent, the Joint Commissioner, HR & CE, Villupuram, is directed to decide Clause 1, 2 and 3 of the order dated 02.01.2015, within a period of six weeks from the date of receipt of a copy of this order.

With these observations, the Civil Revision Petition is disposed of.
No costs.

27.07.2016

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To
Commissioner, HR & CE Administration Department, Chennai

M.DURAI SWAMY,J

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