



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 22.12.2016

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P (MD) No.24598 of 2016
and
W.M.P (MD) No.17721 of 2016

Muniasamy

.. Petitioner

Vs

The Assistant Commissioner/
Executive Officer,
Arulmighu Koodal Alagar Thirukkoil,
Madurai - 625 001.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Na.Ka.No.562/2016/A4, dated 5.8.2016 and the consequential order passed in Na.Ka.No.561/2016/A4, dated 14.11.2016 on the file of the respondent and to quash the same and also directing the respondent to receive increased monthly rent at the rate of 15% in addition to the original rate of rent paid by the Petitioner from July 2016.

For Petitioner : M/s.V.Nagendran
For Respondents : Mr.S.Manoharan

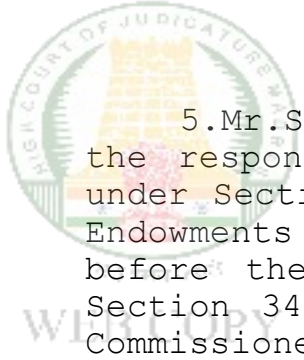
ORDER

This Writ Petition is filed challenging the order dated 5.8.2016 and the consequential order dated 14.11.2016 fixing the lease/rent and consequentially demanding arrears from the Petitioner.

2.Mr.S.Manoharan, learned counsel takes notice for the respondent.

3.By consent of both parties, the main Writ Petition is taken up for disposal, at the admission stage itself.

4.According to the Petitioner, such fixation is highly arbitrary and unreasonable.
<https://hcservices.ecourts.gov.in/hcservices/>



5.Mr.S.Manoharan, learned counsel who takes notice on behalf of the respondent, submitted that as against the order fixing rent, under Section 34-A of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, the Petitioner is having an appellate remedy before the Commissioner, HR & CE Department, as provided under Section 34(3) of the Act and as against the order passed by the Commissioner, a revision lies before this Court under Section 34(5) of the Act. Therefore the learned counsel for the respondent contended that without exhausting those remedies, the Petitioner has approached this Court and hence, this Writ Petition cannot be entertained by this Court.

6.A perusal of the above said provision of law would indicate that the Petitioner is certainly having statutory remedy of appeal and without exhausting such remedy, he cannot file the present Writ Petition.

7.Accordingly, without expressing any view any view on the merits of the claim made by the Petitioner, I only dismiss the Writ Petition on the ground of maintainability, however, by granting liberty to the Petitioner to file appeal against the order impugned in this Writ Petition within a period of four weeks from the date of receipt of a copy of this order. If there is any delay in filing such appeal, the same shall be condoned considering the filing of the present Writ Petition and orders passed herein. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Assistant Commissioner/
Executive Officer,
Arulmighu Koodal Alagar Thirukkoil,
Madurai - 625 001.

+ 1 CC TO Mr.V.NAGENDRAN, ADVOCATE IN SR No. 82873
+ 1 CC TO Mr.S.MANOHARA, ADVOCATE IN SR No. 83339

VSN
TE/SKN/SAR-I : 26/12/2016 : 2P/4C

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