

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 5.4.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.379 of 2017 and
C.M.P.No.5785 of 2017

N.Natarajan

Appellant

Versus

1. The Joint Commissioner,
HR&CE (ADMN) Department,
Nungambakkam High Road,
Chennai-34.
 2. The Joint Commissioner,
HR&CE (ADMN) Department,
Salem.
 3. The Assistant Commissioner,
HR&CE (ADMN) Department,
Dharmapuri.
 4. The Executive Officer,
A/m.Sivasubramaniasamy Temple
at Kumarasampettai,
Dharmapuri Taluk and District.
- Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 18.1.2017 passed in W.P.No.1204 of 2017 on the file of this court.

Writ petition filed under Article 226 of the Constitution of India, praying for a writ of certiorari calling for the records pertaining to the order passed by the commissioner HR & CE (Admin) Dept/Chennai-34 in D.Dis.R.P.No.264/2016 D2 dated 22.12.16 in so far it relates to the increase of rent from Rs.416/- to Rs.5000/- for the land measuring about 200 sq.ft., and quash the same.

For appellant : Mr.W.C.Thiruvengadam

For R1 to R3 : Mr.M.Maharajan, Special Govt. Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mr.Maharaja, learned Special Government Pleader appearing for the HR&CE.

2. It appears that in connection with tenancy of the temple property in question, way back in the year 1984, the petitioner was said to be paying a rent of Rs.416/- and thereafter, when the respondent sought to initiate proceedings for enhancement of rent, it appears that without referring the matter to the Committee, on the ground that the petitioner/appellant was agreeable for the rent to be fixed at Rs.5000/- per month. This has been challenged before the learned Single Judge. The learned Single Judge, having noted and annoyed of the attitude of the tenant in challenging the fixation of rent made on his consent, enhanced and fixed the rent at Rs.7500/-.

3. We are of the opinion that since it is a consent order for fixing the sum of Rs.5000/- per month, and also considering the market value of the property in question and the fact of maintenance of the temple, there is no scope for interference with the order of the learned Single Judge. However, the fixation of rent at Rs.5000/- by the respondent is restored. Accordingly, the order of the learned Single Judge stands modified. It is also made clear that any future decisions of this nature would be taken as per the law, referring the matter to the Committee to be constituted in this regard. The writ appeal stands allowed in part. No costs. The connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

ssk.

To:

1. The Joint Commissioner,
HR&CE (ADMN) Department,
Nungambakkam High Road,
Chennai-34.

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HR&CE (ADMN) Department,
Salem.
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A/m.Sivasubramaniasamy Temple
at Kumarasampettai,
Dharmapuri Taluk and District.

+1cc to Government Pleader sr.20474

+1cc to Mr.W.C.Thiruvengadam, Advocate sr.20262

W.A.No.379 of 2017

rs1(co)
ss(8/5/2017)



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