



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **13.07.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

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W.P (MD) No.10167 of 2014

and

W.M.P (MD) No.1 of 2014

M/s.National Textiles Corporation Limited
(A Government of India Undertaking),
Deputy General Manager (Tech),
having office at "NTC House",
No.35-B, Somasundaram Mills Road,
Coimbatore - 9.

.. Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments,
Administrative Department, Madurai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai.

3.Arulmigu Meenakshi Sundareswarar Temple
rep. by its Executive Officer, Madurai. .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records in connection with the impugned order passed by the first respondent in its order in D.Dis.R.P. 126/2013 D2, dated 17.03.2014 and quash the same.

For Petitioner : Mr.V.Balaji

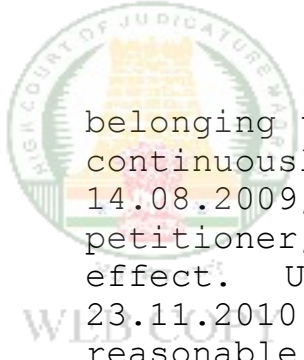
For Respondents 1 and 2 : Mr.S.Kumar,
Additional Government Pleader.

For Respondent No.3 : Mr.S.Manohar

ORDER

This writ petition has been filed seeking a Writ of Certiorari to quash the impugned order passed by the first respondent in D.Dis.R.P. 126/2013 D2, dated 17.03.2014.

2.The case of the petitioner is that the petitioner
<https://hcservices.ecourtts.gov.in/hcservices> Corporation, a Government of India Undertaking, is a lessee of a
shop bearing Door No.1, West Chithirai Street, Madurai,



belonging to the third respondent, from 1977 and the petitioner is continuously paying monthly rent without any default. On 14.08.2009, the third respondent sent a communication to the petitioner, enhancing the rent from 01.11.2001 with retrospective effect. Upon which, the petitioner submitted a representation on 23.11.2010 and also made a request to revise the rent at reasonable rates. But, the third respondent on 21.03.2012 issued a legal notice, directing him to pay sum of Rs.16,92,730/- towards arrears of rent, for which, the petitioner has also sent a reply, expressing his readiness and willingness to accept any prospective revision in terms of the provisions of the Hindu Religious and Charitable Endowments Act. But, all of a sudden, the second respondent, initiated proceedings under Sections 78 and 79 of the Hindu Religious and Charitable Endowments Act, and issued a notice dated 20.11.2012, without terminating the tenancy. The petitioner in his reply, dated 22.04.2013, seeking details of the revision. Thereafter, the second respondent issued notice directing the petitioner to appear before him and accordingly, the Deputy Manager of the petitioner Corporation appeared. However, the second respondent passed an order dated 10.09.2013, directing him to vacate the demised premises within a period of 30 days. Therefore, the petitioner preferred a writ petition in W.P(MD) No.16726 of 2013 and the same was disposed of, giving liberty to the petitioner to file appeal before the first respondent herein. Thereafter, the petitioner preferred a revision before the first respondent. But, the first respondent without appreciating the factual backgrounds of the matter, held that there is no lease existing between the petitioner and the temple and also directed the second respondent to implement the order dated 10.09.2013. Therefore, the petitioner is before this Court.

3.The third respondent filed a counter affidavit refuting the claim of the petitioner and prayed for the dismissal of this writ petition.

4.Though the prayer is to challenge the impugned order dated 17.03.2014, now the learned counsel for the petitioner submits that the petitioner agrees with the enhancement of rent and he is regularly paying the same. With regard to arrears, according to the learned counsel, the petitioner seeks permission to submit a fresh representation for sympathetic consideration, for which, the learned counsel for the third respondent submits that such representation will be considered.

5.Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, directs the petitioner to submit a fresh representation with regard to arrears of rent, to the third respondent, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the third respondent shall consider the same sympathetically and pass appropriate orders on merits and in accordance with law within a period of four weeks thereafter.



6.The writ petition is disposed of as above. No costs.
Consequently, connected Miscellaneous Petition is closed.

Sd /-

ASSISTANT REGISTRAR (RTI)

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SUB ASSISTANT REGISTRAR

To

- 1.The Commissioner,
Hindu Religious and Charitable Endowments,
Administrative Department, Madurai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department, Madurai.
- 3.The Executive Officer,
Arulmigu Meenakshi Sundareswarar Temple, Madurai.

+1 CC TO MR.S.MANO HAR, ADVOCATE, SR NO.65565

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.65660

smn

MAS/SKN-RSK/SAR2:20.07.2017:3-6C

ORDER MADE IN
W.P (MD) No.10167 of 2014
and
W.M.P (MD) No.1 of 2014
13.07.2017