



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P (MD) Nos. 23611 and 23612 of 2015

and

M.P (MD) Nos. 1 and 1 of 2015

M.K. Vinod Patel

.. Petitioner in
W.P (MD) No. 23611 of 2015

R. Sudalaimuthu

.. Petitioner in
W.P (MD) No. 23612 of 2015

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Government of Tamil Nadu, Chennai.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai.
3. The Fit Person,
Arulmigu Ayyanar and Pon Muniyandi Swamy Temple,
Sammattipuram, Madurai - 625 016. ... Respondents in
both W.Ps.

PRAYER IN BOTH W.Ps.: Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of declaration, declaring that the respondents 2 and 3 are not competent to fix lease rent for the property tenanted by the petitioners in Survey No.93, Sammatipuram Hamlet, Ponmeni Village, Madurai District independently or individually without constitution of a committee as per Section 34 A of the Tamil Nadu Hindu Religious and Charitable Endowments, Act, 1959.

For Petitioner
in both W.Ps.

: Mr. J. Bharathan

For Respondents 1 and 2
in both W.Ps.

: Mr. M. Alagathevan,
Special Government Pleader.

For Respondent No. 3

: Mr. S. Manohar

**COMMON ORDER**

These writ petitions are filed seeking a writ of declaration to declare that the respondents 2 and 3 are not competent to fix lease rent for the property, which has been leased out to the petitioners, situated in Survey No.93, Sammatipuram Hamlet, Ponmeni Village, Madurai District, independently or individually without constituting of a committee as per Section 34 A of the Tamil Nadu Hindu Religious and Charitable Endowments, Act, 1959.

2.The case of the petitioners is that the petitioners are the lessees of the property situated in Survey No.93, Sammatipuram Hamlet, Ponmeni Village, Madurai District, wherein they are running a saw mill and a physical fitness centre and the rent was also enhanced from time to time. The petitioners are paying monthly rent to the third respondent. The third respondent filed a petition before the second respondent for fixation of monthly rent at Rs.39,000/- and Rs.6,300/- for the petitioners respectively. But, as per Section 34 A(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, the rent shall be fixed by a Committee consisting of Joint Commissioner, Executive Officer or the Trustee of the religious institution and the District Registrar. Therefore, these writ petitions have been filed for getting the relief sought for therein.

3.Today, when the matter is taken up for hearing, the learned counsel appearing for the third respondent would submit that now the rent fixed by the Committee has been approved by the second respondent, Joint Commissioner, Hindu religious and Charitable and Endowments Department, Madurai and the details of the fixation has also been circulated to the petitioners.

4.Heard the learned counsel appearing for the petitioners.

5.Considering the submission made on the side of the third respondent and also considering the fact that the rent fixed by the Committee has been approved by the second respondent and the details of the fixation has been circulated to the petitioner, the relief sought for in the writ petitions cannot be granted. If the petitioners are aggrieved over the same, it is always open to them to seek appropriate legal recourse.

6.The writ petitions are disposed of as above. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)



To

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Government of Tamil Nadu, Chennai.

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

3. The Fit Person,
Arulmigu Ayyanar and Pon Muniyandi Swamy Temple,
Sammattipuram,
Madurai - 625 016.

+ 1 CC TO Mr.T.R.JEYAPALAN, ADVOCATE IN SR No. 68241

SMN

TE/MR-KKR/SAR-II : 04/08/2017 : 3P/5C

COMMON ORDER MADE IN
W.P (MD) Nos.23611 and 23612 of 2015 and
M.P (MD) Nos.1 and 1 of 2015
27.07.2017