



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) Nos.16560 and 17593 to 17612 of 2017

and

WMP (MD) .Nos.13193 and 13194

and

14135 to 14174

A.Natarajan	...Petitioner WP (MD) No.16560 of 2017
K.Ganesan	...Petitioner WP (MD) No.17593 of 2017
A.K.Rajasekaran	...Petitioner WP (MD) No.17594 of 2017
J.Mohammed Sathakathulla	...Petitioner WP (MD) No.17595 of 2017
Janab M.Sajahen	...Petitioner WP (MD) No.17596 of 2017
Janab M.Abdul Wahab	...Petitioner WP (MD) No.17597 of 2017
P.Vivekenenden	...Petitioner WP (MD) No.17598 of 2017
S.N.Sathish Kumar	...Petitioner WP (MD) No.17599 of 2017
S.Seenivasen	...Petitioner WP (MD) No.17600 of 2017
T.Balakrishnan	...Petitioner WP (MD) No.17601 of 2017
S.Ponraja	...Petitioner WP (MD) No.17602 of 2017
R.Chandradevi	...Petitioner WP (MD) No.17603 of 2017
M.Selvaraj	...Petitioner WP (MD) No.17604 of 2017
G.Ramachandran	...Petitioner WP (MD) No.17605 of 2017
P.Arumugam	...Petitioner WP (MD) No.17606 of 2017
K.Gandhirajan	...Petitioner WP (MD) No.17607 of 2017
T.Selvakumar	...Petitioner WP (MD) No.17608 of 2017
P.Bharath Kumar	...Petitioner WP (MD) No.17609 of 2017



G.Manoharan

V.Selvaraj

S.K.Mariappan

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...Petitioner WP(MD)No.17610 of 2017

...Petitioner WP(MD)No.17611 of 2017

...Petitioner WP(MD)No.17612 of 2017

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Nungampakkam High Road, Chennai -34.

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

3.A/m.Kottaimariamman Temple,
Rep.by its Hereditary Managing Trustee,Dindigul. ... Respondents
in all WPs

PRAYER WP(MD)NOS.16560,17593 TO 17595 OF 2017:

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance a writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the first respondent in R.P.No.279 of 2016, in WP(MD)16560 of 2017 in R.P No.276 and 283 of 2016 in WP.No.17593 of 2017 in R.P No.288 of 2016 in WP(MD)No.17594 of 2017 in R.P.No.286/16 in WP(MD)No.17595 of 2017 dated 04.04.2017 with regard to condition No.1 alone directing the petitioner to pay the damages for use and occupation at the rate of Rs.2000/- per month with an annual enhancement at 10% and consequential impugned order dated 21.04.2017 and 18.08.2017 passed by the third respondent and quash the same and consequently, direct the respondents to receive the enhanced rent at the rate of 15% per three years.

Prayer in WP(MD)No.17596 to 17612 of 2017 :

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the 1st respondent in R.P.No.289 of 2016, R.P.No.291 of 2016, R.P.No.281 of 2016, R.P.No.282 of 2016, R.P.No.275 of 2016, R.P.No.296 of 2016, R.P.No.287 of 2016, R.P.No.297 of 2016, R.P.No.277 of 2016, R.P.No.293 of 2016, R.P.No.294 of 2016, R.P.No.285 of 2016, R.P.No.284 of 2016, R.P.No.295 of 2016, R.P.No.290 of 2016, R.P.No.280 and 292 of 2016 and R.P.No. 278 of 2016 respectively dated 04.04.2017 with regard to condition No.1 alone directing the petitioner to pay the damage for use and occupation at the rate of Rs. 2000/- per month with an annual enhancement of at 10% and



consequential impugned order dated 21.04.2017 and 19.08.2017 passed by the 3rd respondent and quash the same and consequently direct the respondents to receive the enhanced rent at the rate of 15% per three years.

For Petitioner : Mr.R.J.Karthick
For Respondents 1 & 2 : Mr.J.Gunaseelan Muthaiah
Government Advocate
For Respondent -3 : Mr.C.Gunaseelarupan
in all WPs

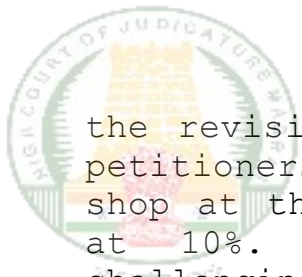
COMMON ORDER

These writ petitions are filed to issue a writ of Certiorari, to call for the records of the impugned order passed by the first respondent in R.P.Nos.279, 276 & 283, 288, 286, 289, 291, 281, 282, 275, 296, 287, 297, 277, 293, 294, 285, 284, 295, 290, 280 & 292 and 278 of 2016, respectively, dated 04.04.2017 with regard to condition No.1 alone which directs the petitioner to pay the damages for use and occupation of the shop at the rate of Rs.2000/- per month with an annual enhancement of 10% and consequential impugned orders passed by the third respondent and quash the same.

2.Since the issue involved in these writ petitions are one and the same, they are disposed by way of a common order.

3. The learned counsel appearing for the petitioners would submit that the petitioners are tenants of the shops in the respondent temple in West Car Street Mariamman Kovil Complex, Dindigul and they have been paying the rent regularly without fail. While so, the first respondent by his proceedings dated 17.08.2001 accorded sanction by recognizing the petitioners and other tenants in ground floor as tenants with certain conditions and restricted the period of tenancy as 3 years in condition No.7. The period of tenancy was to expire on 17.08.2014. So, the petitioners requested the third respondent to extend the period of tenancy, but the same was rejected. Subsequently, the tenancy was terminated by the third respondent and the petitioners were directed to vacate by notice dated 13.05.2015, which was challenged before this Court in W.P(MD).No.17965 of 2015 and the same is pending.

4.It is further submitted that, the second respondent sent a notice dated 15.12.2015 and the same was objected by explanation dated 30.05.2016 by the petitioners. Subsequently, the second respondent, by proceedings in Na.Ka.7639/2015/E1, dated 03.08.2016, directed the petitioners to handover the possession of the shop to the first respondent, which was challenged by the petitioners before the first respondent, by way of revision petition, who in turn allowed



the revision with certain conditions and one among them is, the petitioners should pay the damages for use and occupation of the shop at the rate of Rs.2,000/- per month with annual enhancement at 10%. Therefore, the petitioner is before this Court, challenging the above said condition.

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5.The learned counsel appearing for the third respondent, on instructions would submit that after filing of the writ petitions and notice ordered, the condition No.1, imposed in the impugned order, has been withdrawn. Therefore, nothing further survives in this matter for adjudication.

6.Recording the submission of the learned counsel for the third respondent and affirming all other conditions stipulated therein, these writ petitions are disposed of. Consequently, connected Miscellaneous Petitions are closed. No Costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Nungampakkam High Road,
Chennai -34.

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

+4cc to Mr.C.Gunaseelarupan, Advocate Sr.No.80609,80610
+1cc to Mr.R.J.Karthick, Advocate Sr.No.80759
+1cc to The Spl.Government Pleader Sr.No.81052,81053,80336

DSK

VB/JC/SAR1/13/10/2017/4P/9C

**ORDER MADE IN
W.P(MD)Nos.16560 and
17593 to 17612 of 2017
21.09.2017**