



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2017

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD) Nos.20444 to 20446 of 2017
and
W.M.P.(MD) Nos.16718 to 16720 of 2017

S.Meenkshi Ammal ...Petitioner in WP(MD)Nos.20444 and 20445/2017

G.Krishnaveni ... Petitioner in WP(MD)No.20446/2017

-Vs-

The Executive Officer,
Arulmigu Kalahatheeswara Swamy Temple,
Dindigul. ... Respondent (in all W.Ps.)

Prayer in W.P.(MD)No.20444 of 2017: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent dated 22.06.2017 quash the same, as the same is arbitrary, ultravires, in violation of principles of natural justice, audi alteram partem and consequentially direct the respondent to demand rent in consonance with G.O.M.S.No.456 Tamil Development, Hindu Religious and Charitable Endowment News dated 09.11.2007 in respect of No.191-A, Main Road, Dindigul.

Prayer in W.P.(MD)No.20445 of 2017:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent dated 22.06.2017 quash the same, as the same is arbitrary, ultravires, in violation of principles of natural justice, audi alteram partem and consequentially direct the respondent to demand rent in consonance with G.O.M.S.No.456 Tamil Development, Hindu Religious and Charitable Endowment News dated 09.11.2007 in respect of No.191, Main Road, Dindigul.

Prayer in W.P.(MD)No.20446 of 2017:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent dated 28.06.2017 quash the same, as the same is arbitrary, ultravires, in violation of principles of natural justice, audi alteram partem and consequentially direct the respondent to demand rent in consonance with G.O.M.S.No.456 Tamil Development, Hindu Religious and Charitable Endowment News dated 09.11.2007 in respect of No.11C, Sannathi Street, Dindigul.



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For Petitioner
in all WP's

: Mr.R.G.Shankar Ganesh

For Respondent
(in all W.Ps.)

: Mr.A.K.Baskara Pandian
Additional Government Pleader

O R D E R

The writ petitioner herein questions the orders passed by the respondent enhancing the rent payable by them. The contention of the writ petitioner is that they were not put on notice before passing the impugned order and they were not furnished with the relied upon documents.

2.The learned counsel appearing for the writ petitioner placed reliance on the order dated 14.09.2017 passed in W.P.(MD) No.16785 of 2017 etc batch in this regard. I am inclined to adopt the very same approach in this case also. These writ petitions are disposed of with the following directions;-

(i)The orders dated 22.06.2017 and 28.06.2017 impugned in these writ petitions are set aside and the matter is remitted to the file of the respondent.

(ii)The respondent is directed to furnish a copy of the documents relied upon by him.

(iii)The writ petitioner shall pay 50% of the enhanced rent (admitted rent+ 50% of the disputed amount). The respondent shall thereafter hold enquiry and pass final order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

The Executive Officer,

Arulmigu Kalahatheeswara Swamy Temple, Dindigul.

+One cc to Mr.R.G.Shankar Ganesh, Advocate, SR.No.85815

+One cc to Mr.A.K.Baskarapandian, Advocate, SR.No.85901

vsg/cp

RL/4C/2P/MR/KKR/SAR4/28/11/2017

WP(MD) Nos.20444 to 20446 of 2017
and

W.M.P. (MD) Nos.16718 to 16720 of 2017

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