



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)Nos.21274 to 21276 of 2017

and

W.M.P(MD)Nos.17556 to 17558 of 2017

Chandran

... Petitioner in all cases

Vs.

The Assistant Commissioner / Executive Officer,
Arulmigu Kallalagar Temple,
Alagarkoil,
Madurai District.

... Respondent in all cases

PRAYER in W.P(MD)No.21274 of 2017: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the respondent dated 27.03.2017 in proceedings Na.Ka.No. 505/2016-27/B1, quash the same as the same is arbitrary, contrary to the provisions envisaged under Sec. 34-A, of Tamil Nadu Hindu Religious and Charitable Endowment Act 22/1959, in violation of the principles of the principles of natural justice, Audi alteram partem, and G.O.Ms.No. 298 dated 20.07.2010 and consequently direct the respondent to refix the rent in respect of the property bearing Door in 19/1, New Kuyavarpalayam, New Mahalipatti Road, Madurai.

PRAYER in W.P(MD)No.21275 of 2017: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the respondent dated 27.03.2017 in proceedings Na.Ka.No. 505/2016-28/B1, quash the same as the same is arbitrary, contrary to the provisions envisaged under Sec. 34-A, of Tamil Nadu Hindu Religious and Charitable Endowment Act 22/1959, in violation of the principles of the principles of natural justice, Audi alteram partem, and G.O.Ms.No. 298 dated 20.07.2010 and consequently direct the respondent to refix the rent in respect of the property bearing Door in 19/2, New Kuyavarpalayam, New Mahalipatti Road, Madurai.

PRAYER in W.P(MD)No.21276 of 2017: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the respondent dated 27.03.2017 in proceedings Na.Ka.No. 505/2016-30/AA1, quash the same as the same is arbitrary, contrary to the provisions envisaged under Sec. 34-A, of Tamil Nadu Hindu Religious and Charitable Endowment Act 22/1959, in violation of the principles of the



principles of natural justice, Audi alteram partem, and G.O.Ms.No. 298 dated 20.07.2010 and consequently direct the respondent to refix the rent in respect of the property bearing Door in 19/4, New Kuyavarpalayam, New Mahalipatti Road, Madurai.

For Petitioner : Mr.R.G.Shankar Ganesh (In all cases)
For Respondent : Mr.S.Manohar (In all cases)

C O M M O N O R D E R

As the issue involved in all these cases is similar in nature, they are disposed of by this common order.

2. By consent, these writ petitions are taken up for final disposal at the stage of admission itself.

3. Mr.S.Manohar, learned Counsel takes notice for the respondent in all cases.

4. According to the petitioner, he is in possession of the subject mentioned properties and necessary lease deeds were also executed between him and the respondent temple. It is the case of the petitioner that though he is paying the rent regularly without any default, the respondent has passed the present impugned orders, raising the rent, exorbitantly, without providing any opportunity to the petitioner and aggrieved thereby, the petitioner is before this Court, challenging the impugned orders.

5. Though the prayers in these writ petitions are to quash the impugned orders, the learned Counsel for the petitioner, now, confines his prayer and seeks indulgence of this Court that the petitioner may be permitted to submit his objections before the appellate authority, viz., Joint Commissioner, Hindu Religious and Charitable Endowment Department, Madurai and thereafter, the authorities may pass final orders in this issue, for which, there would not be any serious objections, since the impugned orders came to be passed without hearing the petitioner.

6. Under such circumstances, this Court, while declining to interfere with the impugned orders, directs the petitioner to file his objections before the Joint Commissioner, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the Joint Commissioner shall pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of four weeks thereafter. If the petitioner is not inclined to agree with the rent or enhanced rent, whatsoever, to be fixed by the Joint Commissioner, it is open to the authorities to allot the shops to some other persons, by following due process of law.



7. With the above directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(C.O.)

WEB COPY /True Copy/

Sub Assistant Registrar.

To
The Assistant Commissioner / Executive Officer,
Arulmigu Kallalagar Temple, Alagarkoil,
Madurai District.

Copy to:

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

+1CC to Mr.S.Manohar, Advocate, SR.No.88553

W.P(MD)Nos.21274 to 21276 of 2017

gk
AM/KP/SAR 4/04.12.2017/2P/4C