



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2017

CORAM:

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

**W.P(MD) Nos.23079, 23080, 22382 & 22567 of 2017 and
W.M.P. (MD) Nos.18861, 18862, 18690, 18691 & 19392 to 19395 of 2017**

A.Vijayalakshmi	... Petitioner in W.P(MD)No.23079/17
AM.Mari	... Petitioner in W.P(MD)No.23080/17
RM.Ramanathan	... Petitioner in W.P(MD)No.22382/17
S.Gurunathan	... Petitioner in W.P(MD)No.22567/17

-vs-

1. The Commissioner,
H.R. & C.E. Department,
Nungambakkam, Chennai - 34.
2. The Joint Commissioner,
H.R. & C.E. Department,
Madurai - 1. ... Respondents 1 & 2 in all WPs'
3. The Deputy Commissioner / Executive Officer,
Arulmighu Kallalagar Thirukkoil, Alagarkovil,
Madurai District. ... 3rd Respondent in W.P(MD)No.22382/17
3. The Executive Officer,
Arulmighu Dhandayuthapani Samy Thirukkoil,
Madurai City - 625 001. ... 3rd Respondent in all other WPs'
(WP(MD).Nos.23079,23080/17 & 22567/17)

PRAYER in W.P(MD)No.22382/17: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for records pertaining the impugned demand Na.Ka.No.505/2016-65B1 dated 27.03.2017 issued by the third respondent and quash the same.

PRAYER in all other Wps (WP(MD).Nos.23079,23080/17 & 22567/17): Writ Petitions are filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for records pertaining the impugned demand notice dated 13.07.2017 issued by the third respondent and quash the same.



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For all petitioners : Mr.H.Velavadhas

For Respondents : Mr.M.Alagathevan,
Special Government Pleader
for R.1 & R.2 in all WPs
Mr.M.Muthukeethaiyan, for R.3
in W.P(MD)No.22382/17
Mr.S.Manohar, for R.3
in all other WPs

C O M M O N O R D E R

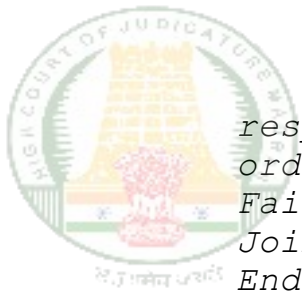
The issue involved in all these writ petitions is one and the same and therefore, all these matters are taken up together for final disposal by way of this common order.

2. The petitioners in these writ petitions, who are admittedly lease holders of the third respondent temple, seek to quash the impugned notices, by which they were asked to pay the enhanced monthly rent, which were sought to be revised as per G.O.Ms.No.456 dated 09.11.2007.

3. Heard the learned counsel appearing on either side.

4. This Court, while dealing with the similar issue of enhancement of rent as per G.O.Ms.No.456 dated 09.11.2007, had considered all the aspects, given anxious consideration, perused the material documents and passed a detailed order in the case of **S.Malliga and others vs. The Commissioner, H.R. & C.E. Department, Chennai [W.P(MD)Nos.14971, 14972 and 14974 of 2017] decided on 21.09.2017**, which is extracted hereunder:

"...6. Per contra, the learned counsel for the 3rd respondent has contended that the writ petitioners have not disclosed the actual area of occupation as tenants, which is nothing but suppression of material facts before this Court. However, he has fairly submitted that the State has issued the circular dated 02.02.2009, by which instructions have been issued to the authorities to give an opportunity to the tenants before the rent is finally fixed, based on which, a Hon'ble Division Bench of this Court has passed an order dated 06.02.2009 in the case of **Arulmigu Angala Parameswari and Kasivishwanathaswami Temple Adimanaiveal House Owners Association**, reported in **2009 (6) CTC 512**, vide which, the authorities were directed to fix or refix the lease rent in accordance with law after notice to the respective tenants. In the present case on hand, the 3rd



respondent is prepared to furnish a copy of the order along with the calculation sheet passed by the Fair Rent Fixation Committee presided over by the Joint Commissioner, Hindu Religious and Charitable Endowment Department dated 11.04.2017 to all the petitioners so as to enable them to put forth their objections.

7. In view of the submissions made by the learned counsel for the 3rd respondent, following the judgment of the Hon'ble Division Bench of this Court referred to supra and also taking into account the proceedings issued by the State dated 02.02.2009, the following directions are issued in these writ petitions:

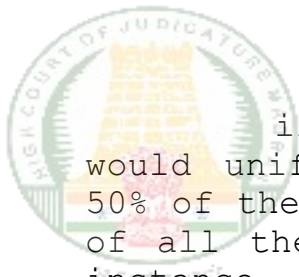
i) the 3rd respondent is directed to provide a copy of the order of the Fair Rent Fixation Committee presided over by the Joint Commissioner, Hindu Religious and Charitable Endowment Department dated 11.04.2017 as well as the calculation sheet to the petitioners forthwith, if not already given;

ii) This Court, normally while granting interim orders, would uniformly direct the petitioners/lease holders to deposit 50% of the enhanced rent immediately (as in the case of W.P. (MD) Nos.16785 to 16794 of 2017 and 13383 to 13392 of 2017) and in view of final disposal of all these writ petitions, the petitioners shall at the first instance, deposit 50% of the enhanced amount, if not already remitted and thereafter file their objections supported by whatever documents they have in their possession on or before 11.10.2017 to the concerned authorities; and

iii) the authorities, upon satisfaction of the remittance of the 50% of the amount by the petitioners, on scrutiny of the documents produced by the petitioners and upon considering their objections, shall fix or re-fix the lease rent in accordance with law, within a period of two weeks thereafter."

5. Following the above order and also considering the fact the said judgment is squarely applicable to the facts of the present cases on hand, these writ petitions are disposed of with the following directions:

i) the 3rd respondent in the respective writ petitions are directed to provide a copy of the report of the Fair Rent Fixation Committee dated 11.04.2017 as well as the calculation sheet to the petitioners forthwith, if not already given;



ii) This Court, normally while granting interim orders, would uniformly direct the petitioners/lease holders to deposit 50% of the enhanced rent immediately and in view of final disposal of all these writ petitions, the petitioners shall at the first instance, deposit 50% of the enhanced amount, if not already remitted and thereafter, file their objections supported by whatever documents they have in their possession within a period of two weeks from the date of receipt of a copy of this order to the concerned authorities; and

iii) the authorities, upon satisfaction of the remittance of the 50% of the amount by the petitioners, on scrutiny of the documents produced by the petitioners and upon considering their objections, shall fix or re-fix the lease rent in accordance with law, within a period of two weeks thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To:

1. The Commissioner,
H.R. & C.E. Department,
Nungambakkam, Chennai - 34.
 2. The Joint Commissioner,
H.R. & C.E. Department,
Madurai - 1.
 3. The Deputy Commissioner / Executive Officer,
Arulmighu Kallalagar Thirukkoil, Alagarkovil,
Madurai District.
 4. The Executive Officer,
Arulmighu Dhandayuthapani Samy Thirukkoil,
Madurai City - 625 001.
- + 4 ccs TO Mr.H.Velavadhas , Advocate in SR Nos. 36330 to 36333
+ 2 ccs TO Mr.S.Manohar , Advocate in SR No. 93428, 93425
+ 1 cc TO Mr.M.Muthukeethaiyan , Advocate in SR No. 92996

gk

AE/SKN RSK/SAR2/03.01.2018/4P/12C