



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P (MD) No.18850 of 2016

and

W.M.P (MD) No.13630 of 2016

The Kamarajar Padipagam and Nagar
Congress Committee, rep. through its
President, having office at
346, Sathiyamoorthy Bazaar,
Aruppukottai, Virudhunagar District.

.. Petitioner

Vs.

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

2. The Joint Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment Department, Sivagangai.

3. The Fit Person/Executive Officer,
Arulmigu Navaneetha Balakrishnan Temple,
Aruppukottai, Virudhunagar District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to fix the fair rent in respect of the property comprised in Door Nos.345,346, Sathyamoorthy Bazaar, Aruppukottai, Virudhunagar District in accordance with the G.O.Ms.No.456, dated 09.11.2007 (Tamil Devlopment, Hindu Religious and News), on the basis of the representations dated 30.07.2015, 31.03.2016, given by the petitioner and to refund the excess amount paid to a tune of Rs.1,25,204/-.

For Petitioner

: Mr.R.G.Shankar Ganesh

For Respondents 1 and 2

: Mr.M.Alagathevan,
Special Government Pleader.

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondent No.3

: No appearance

**ORDER**

This writ petition is filed seeking a writ of Mandamus to direct the second respondent to fix the fair rent in respect of the property comprised in Door Nos.345, 346, Sathyamoorthy Bazaar, Aruppukottai, Virudhunagar District, in accordance with G.O.Ms.No.456, Tamil Development, Hindu Religious and News Department, dated 09.11.2007, and also based on the petitioner's representations, dated 30.07.2015 and 31.03.2016 and refund the excess amount, which was already paid, to the tune of Rs.1,25,204/-.

2.Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader, appearing for the respondents 1 and 2. Despite notice being served on the third respondent and his name being printed in the cause list, there is no representation on behalf of the third respondent either in person or through Counsel.

3.The case of the petitioner is that initially Door Nos.345, 346, Sathyamoorthy Bazaar, Aruppukottai, Virudhunagar District, were leased out to the petitioner committee by a member of the Committee and the said member settled the said property in favour of the third respondent and thereafter the petitioner is regularly paying rent to the third respondent. While so, the third respondent, without following G.O.Ms.No.456, Tamil Development, Hindu Religious and News Department, dated 09.11.2007, demanded exorbitant rate of rent, without fixing any fair rent and the also tried to evict the petitioner committee. The petitioner committee also paid excess rent to the third respondent. Therefore, the petitioner made representations, dated 30.07.2015 and 31.03.2016, to the second respondent for fixation of fair rent. Since, the same have not been considered so far, the petitioner is before this Court.

4.The learned counsel for the petitioner would submit that it would be suffice, if the representations of the petitioner, dated 30.07.2015 and 31.03.2016, are directed to be disposed of, by the second respondent, as per law.

5.Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, directs the petitioner to pay the entire arrears of rent as on date, within a period of two weeks from the date of receipt of a copy of this order and on such payment, the second respondent is directed to consider the representations of the petitioner, dated 30.07.2015 and 31.03.2016, in the light of G.O.Ms.No.456, Tamil Development, Hindu Religious and News Department, dated 09.11.2007, and pass appropriate orders on its own merit and in



accordance with law, after affording due opportunity of hearing to the petitioner, within a period of six weeks, thereafter.

6.The writ petition is disposed of as above. No costs. Consequently, connected Miscellaneous Petition is closed.

WEB COPY

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment Department, Chennai.
2. The Joint Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment Department, Sivagangai.

+1cc to Mr.R.G.Shankar Ganesh, Advocate Sr.No.89840

SMN

VB/SKN/RSK/SAR3/27/12/2017/3P/4C

ORDER MADE IN
W.P(MD)No.18850 of 2016
and
W.M.P(MD)No.13630 of 2016
28.11.2017