

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.10108 of 2018

D.S.Srinivasa Rao

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam, Chennai - 34.

2.The Assistant Commissioner/Executive Officer,
Sri Parthasarathi Swami Temple,
Triplicane, Chennai - 5.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to consider the representations dated 12.06.2017 and 08.03.2018 on the file of the respondents for fixing the fair ground rent in respect of the ground measuring 1254 sq.ft. where the petitioner's building Door No.60/29, Nallathambi Street, Triplicane, Chennai-5 is situated.

For Petitioner : Mr.P.Selvaraj

For Respondents : Mr.M.Maharaja,
Special Government Pleader
(HR & CE) - R1

Mr.A.K.Sriram

for M/s.A.S.Kailasam and Associates - R2

O R D E R

This Writ Petition has been filed by the petitioner, who claims to have purchased the old building situated at Old No.20, Nallathambi Street, Triplicane, Chennai-5, with a small shop having a separate individual entrance and thereafter, he has also put up Terrace. The building has also been registered in the name of his father. They have been paying the ground rent to Sri Parthasarathi Swami Temple as per the demands of the Executive Officer of the Temple.

2.The learned counsel appearing for the petitioner submitted that for the ground measuring an extent of 1254 sq.ft., he has been paying ground rent at the rate of Rs.5,805/- in the year 2003, which was increased to Rs.11,800/- in 2011. All of a sudden, on 12.05.2017, the 2nd respondent has increased the rent, exorbitantly, to Rs.33,800/-, even without following the

procedures contemplated under Section 34(A) of the Hindu Religious and Charitable Endowments Act, 1959. Objecting to the sudden and abnormal rate of charges, the petitioner gave representations on 12.06.2017 and 08.03.2018 to the respondents. But till date, the respondents have not considered the aforementioned representations. It is also submitted that the petitioner is unable to pay the exorbitant rent fixed by the respondents, therefore, if a direction is given to consider the pending representations, no prejudice would be caused to the respondents.

3.The learned Special Government Pleader appearing for the the 1st respondent submitted that at the time of enhancing the rent to Rs.33,800/- on 12.05.2017, all the procedures contemplated under Section 34(A) of the Act have been duly followed. The learned Special Government Pleader further submitted that as the petitioner has given a representation on 12.06.2017, followed by a reminder on 08.03.2018, the same would be considered within a period of four weeks.

4.In view of the submission made by the learned Special Government Pleader, the 1st respondent is directed to consider the petitioner's representations dated 12.06.2017 and 08.03.2018 within a period of four weeks from the date of receipt of a copy of this order.

5.With this direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam, Chennai - 34.

2.The Assistant Commissioner/Executive Officer,
Sri Parthasarathi Swami Temple,
Triplicane, Chennai - 5.

+1 cc to M/s.A.S.Kailasam and Associates sr 34808

+1 cc to Govt pleader sr 35126

+1 cc to M/s.Selvaraj Advocate sr 34865

W.P.No.10108 of 2018

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