

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.12.2018

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.8987 to 8989 of 2018
&
W.MP.Nos.10839 to 10841 of 2018

V.Chitralkha

.. Petitioner in WP.No.8987 of 2018

S.Kumar

.. Petitioner in WP.No.8988 of 2018

Dr.V.Sathishkumar

.. Petitioner in WP.No.8989 of 2018

Vs.

The Executive Officer

Hindu Religious & Charitable Endowments Board

Arulmighu Rajagopalaswamy Thirukkoil

Pudhupalayam,

Cuddalore, Cuddalore District.

.. Respondent in all WPs.

PRAYER in all W.Ps. : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the notice dated 14.03.2018 on the file the Executive Officer, Hindu Religious & Charitable Endowments Board, Arulmighu Rajagopalaswamy Thirukkivil, Cuddalore Taluk, Cuddalore District, the Respondent herein and quash the same.

For Petitioners : Mr.Y.Prakash in all WPs

For Respondent : Mr.M.Maharaja

Special Government Pleader

(HR & CE) in all WPs

COMMON ORDER

The petitioners have come up with these writ petitions, calling for the notice dated 14.03.2018 on the file the Executive Officer, Hindu Religious & Charitable Endowments Board, Arulmighu Rajagopalaswamy Thirukkivil, Cuddalore Taluk, Cuddalore District, the Respondent herein and quash the same.

2. The case of the petitioners are that the petitioners are the tenants under the respondent/temple. Admittedly, they have

been paying a sum of Rs.1600/-, Rs.1100/- and Rs.1500/- per month, respectively as rent. By the impugned notice dated 14.03.2018, the rent has been revised to Rs.7,350/-, Rs.5000/- and Rs.5200/- respectively, as per Section 34-A of the Hindu Religious & Charitable Endowments Act, 1959 payable from 01.07.2016. The notice dated 14.03.2018 called upon the petitioners to pay the arrears of rent also.

3. The grievance of the petitioners is that before fixing the rent, they ought to have been given an opportunity of hearing. It is an admitted fact that no opportunity of hearing was given to the petitioners. The petitioners have also filed their objections before the concerned Commissioner.

4. In such circumstances, this Court is of the view that the impugned notice shall be kept in abeyance.

5. In view of the above, the petitioners are directed to appear before the Commissioner, within a week from the date of receipt of a copy of this order and put forth the objections, which have already been given to the Commissioner. The Commissioner may forward the objections to the Rent Fixation Committee, who in turn may direct the petitioners to appear before the Rent Fixation Committee and after affording an opportunity of personal hearing to the petitioners, the authorities concerned shall fix or re-fix the lease rent in accordance with law. Till such time, the impugned notice dated 14.03.2018 shall be kept in abeyance.

6. With the above directions, these writ petitions stand disposed of. No costs. Consequently, connected Miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To
The Executive Officer
Hindu Religious & Charitable Endowments Board
Arulmighu Rajagopalaswamy Thirukkoil
Pudhupalayam,
Cuddalore, Cuddalore District.

+1cc to Mr.Y.Prakash, Advocate, S.R.No.87308

+1cc to the Spl Government Pleader, S.R.No.88564

W.P.Nos.8987 to 8989 of 2018

RR(CO)
GSP(08/02/2019)