

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.3.2018
CORAM

The HON'BLE MR.JUSTICE M.VENUGOPAL
AND
The HON'BLE MR.JUSTICE S.VAIDYANATHAN

Writ Appeal Nos.549 to 554 of 2018
& CMP.Nos.5356 to 5361 of 2018

Muniammal ...Appellant/Petitioner in
WA.549 of 2018

J.Janbasha ...Appellant/Petitioner in
WA.550 of 2018

Jagir ...Appellant/Petitioner in
WA.551 of 2018

Elayappan ...Appellant/Petitioner in
WA.552 of 2018

Suresh ...Appellant/Petitioner in
WA.553 of 2018

M.Satishkumar ...Appellant/Petitioner in
WA.554 of 2018

Vs

1.The Commissioner, Hindu
Religious & Charitable Endowment
Department, Nungambakkam,
Chennai-34.

2.The Joint Commissioner, Hindu
Religious Charitable Endowment
Department, Salem-1.

3.The Assistant Commissioner,
Hindu Religious Charitable Endowment
Department, Dharmapuri-636701.

4.The Fit Person/Executive Officer,
Arulmigu Karaga Samundiamman
Temple, Krishnagiri-1.

...Respondents/Respondents in
all the Was

APPEALS under Clause 15 of the Letters Patent to set aside the common order dated 21.2.2018 in WP.Nos.3777 to 3782 of 2018 on the file of this Court.

Prayer in WP.Nos.3777 to 3782 of 2018:-

WP.No.3777 of 2018:-

Petition filed under article 226 of the constitution of India, praying this court, calling for the records relating to the order of the 1st respondent passed in R.P. No. 22 of 2017 dt 3.7.2017 and to quash the same and consequently direct the 1st respondent to form a Fair Rent Committee and refer the matter to the same so as to fix fair rent for the petitioner residence at No.135, Chennai Salai Krishnagiri 635 001

WP.No.3778 of 2018:-

Petition filed under article 226 of the constitution of India, praying this court, calling for the records relating to the order of the 1st respondent passed in R.P. No. 23 of 2017 dt 3.7.2017 and to quash the same and consequently direct the 1st respondent to form a Fair Rent Committee and refer the matter to the same so as to fix fair rent for the petitioner Shop at Jakriya Radiator Works No.255 Chennai Salai Krishnagiri 635 001

WP.No.3779 of 2018:-

Petition filed under article 226 of the constitution of India, praying this court, calling for the records relating to the order of the 1st respondent passed in R.P. No. 19 of 2017 dt 3.7.2017 and to quash the same and consequently direct the 1st respondent to form a Fair Rent Committee and refer the matter to the same so as to fix fair rent for the petitioner Shop at JKR Vulcanizing Works No.255-1/28-B Chennai Salai Krishnagiri 635 001

WP.No.3780 of 2018:-

Petition filed under article 226 of the constitution of India, praying this court, calling for the records relating to the order of the 1st respondent passed in R.P. No. 18 of 2017 dt 3.7.2017 and to quash the same and consequently direct the 1st respondent to form a Fair Rent Committee and refer the matter to the same so as to fix fair rent for the petitioner Shop at Dhanalakshmi Auto Consulting and Battery Service No.299/130 Chennai Salai, Krishnagiri 635 001

WP.No.3781 of 2018:-

Petition filed under article 226 of the constitution of India, praying this court, calling for the records relating to the order of the 1st respondent passed in R.P. No. 20 of 2017 dt 3.7.2017 and to quash the same and consequently direct the 1st respondent to form a Fair Rent Committee and refer the matter to the same so as to fix fair rent for the petitioner Shop at Kannan Motor Works Chennai Salai Krishnagiri 635 001

WP.No.3782 of 2018:-

Petition filed under article 226 of the constitution of India, praying this court, calling for the records relating to the order of the 1st respondent passed in R.P. No. 21 of 2017 dt 3.7.2017 and to quash the same and consequently direct the 1st respondent to form a Fair Rent Committee and refer the matter to the same so as to fix fair rent for the petitioner Shop at Venkateswara Auto Electricals Chennai Salai, Krishnagiri 635 001

For Appellant : Mr.S.Subbiah, SC for
in all WAS Ms.G.Sumitra

For Respondents : Mr.M.Maharaja, SGP
in all WAS

COMMON JUDGMENT

(Judgment was delivered by M.VENUGOPAL,J)

Heard the Learned Counsel for the Appellants and the Learned Counsel for the Respondents.

2. The Learned Single Judge, while passing the common order in W.P.Nos.3777 to 3782 of 2018 on 21.2.2018, at paragraph 7, had observed the following :

"Therefore, all these writ petitions are disposed of, by granting liberty to the petitioners to file an appeal before the Government, within a period of two weeks from the date of receipt of a copy of this order. If any such appeal/revision is filed, the appropriate authority of the Government

shall consider the same on its own merits and pass orders in accordance with law, without reference to the period of limitation. However, the petitioners are entitled to file such appeal/revision before the Government, only when they pay 50% of the total demand, including the arrears as on today to the fourth respondent Temple within the time stipulated for filing such appeal. If the petitioners do not comply with the above said condition, as directed by this Court, the liberty granted to them for filing such appeal/revision before the Government stands revoked automatically."

3. At this stage, the Learned Counsel for the Appellants informs this Court that individual affidavits of undertaking have been filed by the Appellants dated 17.3.2018 inter alia to the effect that they undertake to pay 50% of the demand made by the Fourth Respondent through the demand notices dated 22.11.2017 for the period from 11.4.2014 to 31.5.2018 within three months as may be fixed by this Court so as to enable them to prefer appeals before the Appellate Authority specified under the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

4. Per contra, the Learned Standing Counsel appearing for the Respondents points out that the time prayed for by the Appellants in their affidavits namely three months to pay 50% of the demanded amount is an excessive one and further is also on the higher side.

5. Considering the fact that the Appellants in the present appeals have only prayed for passing an order by this Court to enable them to prefer appeals before the Appellate Authority and also to pay 50% of the demanded amount by the Fourth Respondent through the demand notices dated 22.11.2017 within three months, this Court, based on equity, fair play and substantial justice and good conscience, directs the Appellants to prefer revisions within 30 days from today. The Appellants are also granted time till 10.6.2018 to pay 50% of the demand made by the Fourth Respondent before the Competent Authority. This Court makes it lucidly clear that if no Revisions are preferred by the individual Appellants before the Competent Authority/Revisional Authority and if no payment is made as undertook by them in their respective affidavits, it is open to Respondents 1 to 4 to proceed against the Appellants pursuant to the demand notices dated 22.11.2017 in the manner known to Law. If the Revision Petitions are filed by the Appellants before the Competent Authority, then the Revisional Authority shall dispose of the

same on or before 30.6.2018, of course, after providing necessary opportunity to the Appellants/Revision Petitioners by adhering to the principles of Natural Justice. It is open to the respective Parties to raise all factual and legal pleas before the Revisional Authority, who shall advert to the same, at the time of passing the final orders in the Revision Petitions.

6. With the above directions, the writ appeals are disposed of. No costs. Consequently, the connected CMPs are closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To:

1. The Commissioner, Hindu Religious & Charitable Endowment Department, Nungambakkam, Chennai-34.
2. The Joint Commissioner, Hindu Religious Charitable Endowment Department, Salem-1.
3. The Assistant Commissioner, Hindu Religious Charitable Endowment Department, Dharmapuri-636701.
4. The Fit Person/Executive Officer, Arulmigu Karaga Samundiamman Temple, Krishnagiri-1

+6ccs to Ms.G.Sumitra, Advocate, S.R.No.21376 to 21381

+1cc to the Government Pleader, S.R.No.21349

W.A.Nos.549 to 554 of 2018 &
CMP.Nos.5356 to 5361 of 2018

NMI (CO)
CS/10/04/18

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