

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2018

CORAM:

THE HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

W.P.No.3487 of 2009
and M.P.No.1 of 2009

Gomathy Thygarajan(Deceased)

T.Kesavaraj(Substituted in the place of the
deceased petitioner vide court order
dated 05.12.12 by NPVJ
IN MP.NO.1/12 IN WP.NO.3487/09 Petitioner

Vs.

1. Commissioner,
Hindu Religious Charitable Endowments Board,
Chennai-34.
2. The Joint Commissioner,
Hindu Religious Charitable Endowment Board
Tirunelveli.
3. The Executive Officer,
OzhuginaseryAthimoolavinayagar
andChanthanamariammanKoil Trust,
Vadeveeswaram, Nagercoil. Respondents

PRAYER: The Writ Petition has been filed for the issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent in proceedings Na.Ka.7104/2007/V3, dated 11.02.2009 and quash the same as illegal, incompetent and without jurisdiction and further direct the respondents to fix the monthly ground rent on par with that of the Nagercoil Town Club at Rs.1000/- per month or such other rate as is permissible in accordance with Section 34A of the Tamil Nadu Hindu Religious and Charitable Endowments Act.

For Petitioner : M/s.V.Raghavachari

For R1 and R2 : Mr.M.Maharajan,
Special Government Pleader for HR&CE

For R3 : Mr.Master Ganesh

O R D E R

The instant Writ Petition seeks to challenge the proceedings No.Na.Ka.7104/2007/V3, dated 11.02.2009 passed by the Commissioner, Hindu Religious Charitable Endowments Board, Chennai, fixing the ground rent of Rs.6,950/-.

2. It is the contention of the learned counsel appearing for the petitioner that the ground rent has not been fixed in accordance with law, and that it should be fixed on par with the Nagercoil Town Club, which according to them, earned a sum of Rs.1,000/- per month in the year 2009. Under Section 34A of the Tamil Nadu Hindu Religious and Charitable Endowments Act, the lease rent payable for the lease of immovable property belonging to, or given or endowed for the purpose of, any religious institution is fixed by a Committee consisting of the Joint Commissioner, the Executive Officer or the Trustee or the Chairman of the Board of Trustees of the religious institution and the District Registrar of the Registration Department in the district concerned.

3. Instead of entering into the factual matrix and controversies in the case, it would be appropriate that the said Committee is directed to decide and adjudicate upon this issue. Therefore, the petitioner is directed to approach the Committee established under Section 34A of Tamil Nadu Hindu Religious and Charitable Endowments Act, to fix lease rent payable by the petitioner. The Committee shall give hearing to the petitioner and decide the issue within a period of six weeks from today. In the meantime, the petitioner is directed to comply with the interim order passed by this Court.

4. The Writ Petition is disposed of with the above terms. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. Commissioner,
Hindu Religious Charitable Endowments Board,
Chennai-34.

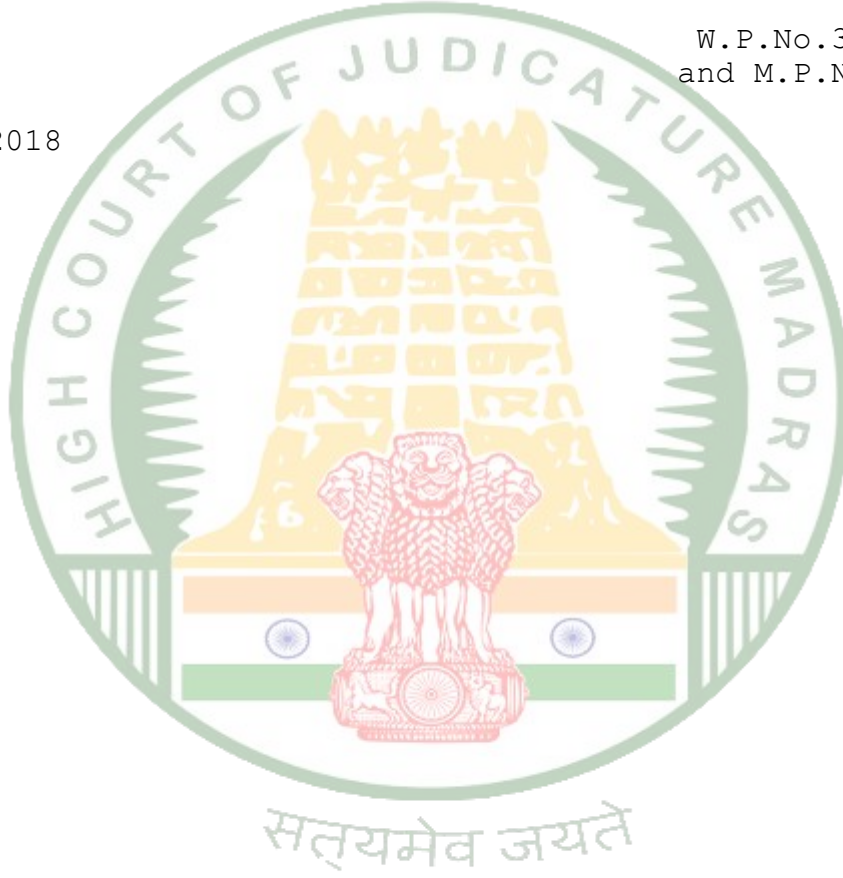
2. The Joint Commissioner,
Hindu Religious Charitable Endowment Board
Tirunelveli.

3. The Executive Officer,
OzhuginaseryAthimoolavinayagar
andChanthanamariammanKoil Trust,
Vadeveeswaram, Nagercoil.

+1cc to M/s.V.Raghavachari, Advocate in sr.no.41648

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nr 06/07/2018



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