

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.15239 of 2018 and

W.M.P.No.18067 of 2018

1.R.Yokesh

2.R.Rajesh

Petitioners

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai - 600 034.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
No.319, Thirugnana Sambandar Street,
State Bank Colony, Salem - 636 004.

3. The Executive Officer,
Arulmigu Sankara Narayanasamy Thirukoil,
Hosur, Krishnagiri District.

Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 2nd respondent to fix the rent payable by the petitioners in the capacity of tenants to the respondents for using the shops constructed in the Arulmigu Sankara Narayanasamy Thirukoil, Hosur based on the recommendation of the 3rd respondent dated 14.07.2014 and also by considering the representation of the petitioners dated 17.04.2018.

For Petitioner :: Mr.S.Senthil

For Respondents :: Mr.M.Maharaja,

Special Government Pleader

O R D E R

The petitioners seek a direction to the 2nd respondent to fix the rent payable by them as tenants to the respondents for using the shops constructed in the Arulmigu Sankara Narayanasamy Thirukoil, Hosur based on the recommendation of the 3rd respondent dated 14.07.2014 and also by considering the representation of the petitioners dated 17.04.2018.

2. When the matter was taken up, the learned Special Government Pleader appearing for the respondents submitted that the prayer in the Writ Petition is wholly untenable for the reason that the fair rent has already been fixed under Section 34 A of the Tamil Nadu Hindu Religious and Charitable Endowments Act.

3. A perusal of the recommendation made by the 3rd respondent to 2nd respondent shows that the rent has been fixed at Rs.4,940/- for one shop and at Rs.3,820/- for another shop and the petitioners have to pay the said amounts from 01.12.2013 to till date.

4. The learned counsel appearing for the petitioners submitted that the petitioners are prepared to pay the fair rent as fixed under Section 34 A of the Act.

5. As the petitioners agreed to pay the entire arrears of rent from 01.12.2013 to till date, this Court grants them one week time to pay the entire amount to the 3rd respondent. If the petitioners fail to pay the amounts and clear the arrears within one week, the 3rd respondent is at liberty to take suitable action as per law.

6. With this direction, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS IV)

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Sub Assistant Registrar

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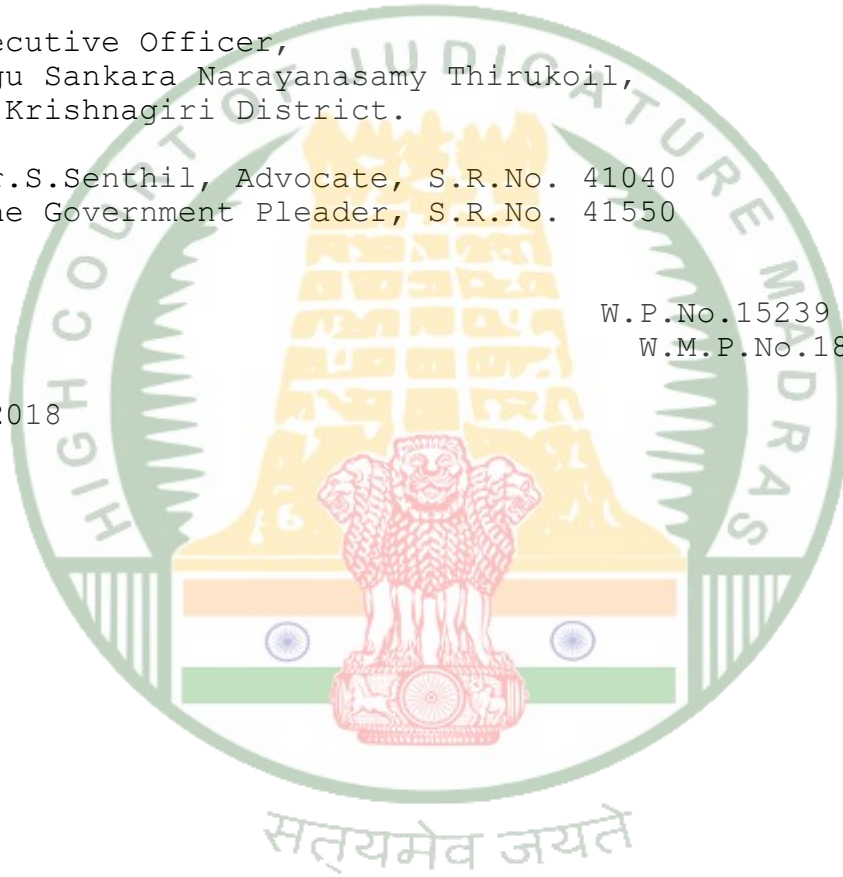
To

1. The Commissioner,
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3. The Executive Officer,
Arulmigu Sankara Narayanasamy Thirukoil,
Hosur, Krishnagiri District.

+1cc to Mr.S.Senthil, Advocate, S.R.No. 41040
+1cc to the Government Pleader, S.R.No. 41550

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NRI (CO)
BM 29/06/2018



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