

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2018

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.Nos.17655 to 17657 of 2018

1.A.T.Singarajan
2.A.T.Janakiraman

.. Petitioners in all WPs.

Vs

1.The State of Tamil Nadu,
Rep. By its Secretary to Government,
Tourism and Religious Endowments Dept.,
Fort St. George, Chennai - 9.

2.The Commissioner,
Hindu Religious and Charitable Endowments,
Uttamar Gandhi Salai,
Nungambakkam, Chennai - 34.

3.The Joint Commissioner / Executive Officer,
Arulmigu Kapaleeswarar Temple,
Mylapore, Chennai - 4. .. Respondents in all WPs.

Common Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the records relating to notice dated 27.02.2018 in Na.Ka.No.12/2017/A4 of the third respondent in respect of Shop Nos.227, 226 and 226 respectively, Ramakrishna Mutt Road, Mylapore, Chennai-4, and quash the same.

For petitioners : Mr.AR.L.Sundaresan, SC
for Ms.AL.Gandhimathi

For Respondents : Mr.M.Maharaja, Spl.GP

COMMON ORDER

These writ petitions have been filed challenging the impugned proceedings dated 27.02.2018 of the third respondent / the Joint Commissioner/Executive Officer, Mylapore, Chennai, calling upon the petitioners to pay the arrears of rent.

2. Mr.AR.L.Sundaresan, learned Senior counsel appearing for the petitioners, assailing the impugned proceedings, submitted that the third respondent, without issuing prior notice to the petitioners, passed the impugned proceedings enhancing the rent for their shops and directing them to vacate and handover the vacant possession of the shop in question, therefore, the impugned proceedings are liable to be set aside.

3. But, this Court is unable to agree with the above said contention, for, in a similar circumstances, when a notice dated 26.02.2018 issued by the Executive Officer therein was put to challenge, this Court, in its order dated 09.04.2018, passed in W.P.Nos.8253 to 8257 of 2018, refused to entertain the writ petition directing the writ petitioners therein to avail the remedy available under Section 34-A(3) of the Tamil Nadu Hindu Religious and Charitable Endowments Act. Relevant portion of the said judgment is extracted below:-

"4. This Court also finds that the petitioners have got a better, effective and efficacious remedy as against the impugned proceedings before the first respondent. Therefore, this Court is not inclined to entertain the writ petitions. Accordingly, the writ petitions are dismissed to avail the remedy under Section 34-A(3) of the Tamil Nadu Hindu Religious and Charitable Endowments Act before the first respondent. Consequently, W.M.P.Nos.10215 to 10219 of 2018 are also dismissed. No Costs."

4. In view of the above, this Court is not inclined to entertain the present writ petitions, as they can prefer an appeal before the second respondent under Section 34-A(3) of the Tamil Nadu Hindu Religious and Charitable Endowments Act. Giving such liberty to the petitioners, they are further given two more weeks time from the date of receipt of a copy of this order to prefer an appeal before the second respondent. In fine, the writ petitions fail and they are dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

rkm

To

1.The Secretary to Government,
Tourism and Religious Endowments Dept.,
Fort St. George, Chennai - 9.

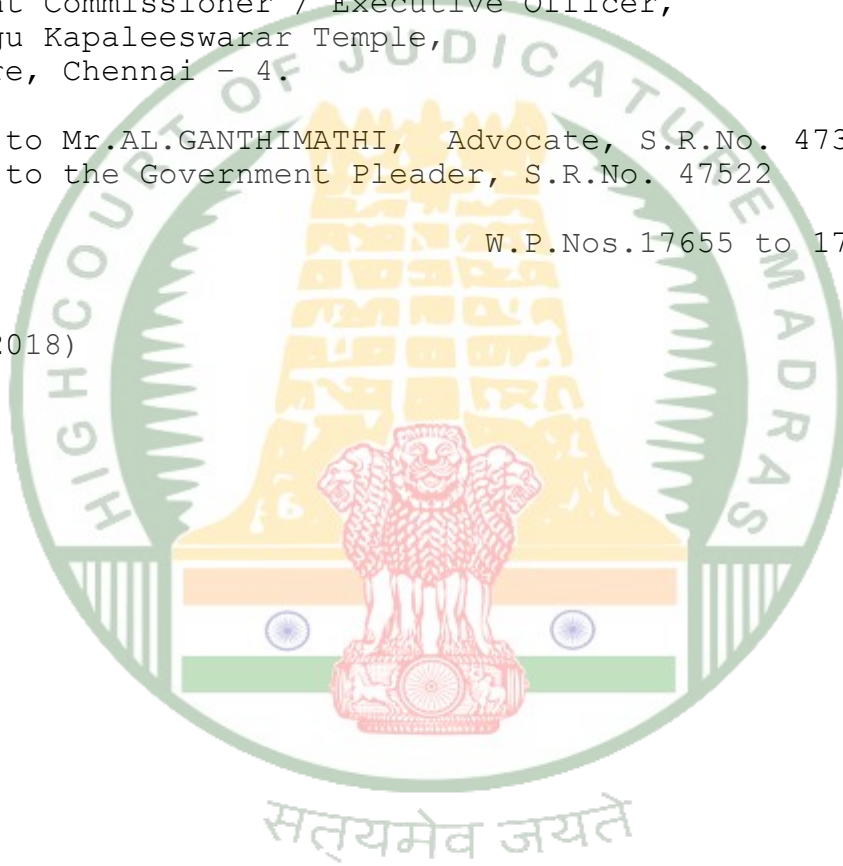
2.The Commissioner,
Hindu Religious and Charitable Endowments,
Uttamar Gandhi Salai,
Nungambakkam, Chennai - 34.

3.The Joint Commissioner / Executive Officer,
Arulmigu Kapaleeswarar Temple,
Mylapore, Chennai - 4.

+1cc to Mr.AL.GANTHIMATHI, Advocate, S.R.No. 47344
+1cc to the Government Pleader, S.R.No. 47522

W.P.Nos.17655 to 17657 of 2018

SPD(CO)
TR(31/07/2018)



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