

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.18779 of 2018 and
W.M.P.No.22128 of 2018

C.Mugundan

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Uthamar Gandhi Salai, Nungambakkam,
Chennai - 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Uthamar Gandhi Salai, Nungambakkam,
Chennai - 600 034.

3.The Executive Officer,
Arulmighu Gangadeeswarar Temple,
Purasawalkam, Chennai - 600 084.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of certiorari calling for the records pertaining to the impugned notice dated 03.03.2018 issued by the 3rd respondent and quash the same.

For Petitioner : Mr.D.Rajagopal

For Respondents: Mr.M.Maharaja,
Special Government Pleader

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O R D E R

This Writ Petition has been filed challenging the notice dated 03.03.2018 issued by the 3rd respondent calling upon the petitioner to pay a sum of Rs.13,44,507/- as arrears of rent.

2.The learned counsel for the petitioner submitted that the petitioner is one among the joint family members occupying the

land in question, which has been the subject matter of Second Appeals in S.A.No.1008 of 2008 and 25 of 2009. The learned counsel for the petitioner submitted that the petitioner has been regularly paying a sum of Rs.200/- per month for his occupation of a part of the property. While so, all of a sudden, they have enhanced the rent without resorting to Section 34 (a) of the Hindu Religious and Charitable Endowments Act and no notice was also issued to the petitioner. When all other members of the joint family are occupying their respective places, they should also be called upon to pay their dues, which has not been done.

3.The learned Special Government Pleader appearing for the respondents fairly submitted that the order dated 03.03.2018 passed by the 3rd respondent may be allowed to be withdrawn, with liberty to issue fresh individual notices to all the occupants of the premise.

4.In view of the above submission, the Writ Petition is disposed of with liberty to the 3rd respondent to withdraw the order dated 03.03.2018 and to issue fresh individual notices to all the concerned occupants of the premise. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True copy//

Sub Assistant Registrar

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To

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Uthamar Gandhi Salai, Nungambakkam,
Chennai - 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Uthamar Gandhi Salai, Nungambakkam,
Chennai - 600 034.

3.The Executive Officer,
Arulmighu Gangadeeswarar Temple,
Purasawalkam, Chennai - 600 084.

+1cc to Mr.D.Rajagopal, Advocate SR.No.49663
+1cc to Government Pleader (HR & CE)SR.No.50041

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GN(06/08/2018)



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