

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 03.07.2018
CORAM
THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.29958 of 2013
and M.P.No.1 of 2013

V.Varalakshmi

..Petitioner

Vs

1. The Secretary to Government
Tamil Development, Religious endowments
and Information department
Fort St.George
Chennai - 600 009.
2. The Commissioner
Hindu Religious and Charitable
Endowments Department
Uthamar Gandhi Road
Nungambakkam
Chennai - 600 034.
3. The Joint Commissioner
Hindu Religious and Charitable
Endowments Department
Sathuvachari, Vellore.
4. The Executive Officer
Arulmighu Vaikundaperumal
Thirukoil, Kancheepuram
Office at Kachabeswar Temple
Nellukara Street, Kancheepuram

..Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, to call for the records pertaining to the notice dated 19.09.2013 issued by the 4th respondent in respect of Door No.13E Vaikundaperumal Kovil Sannithi Street, Kancheepuram and quash the same and consequently direct the 4th respondent not to take action against the petitioner pursuant to the notice dated 19.09.2013.

For Petitioner : Mr.M.S.Subramanian

For Respondents : Mr.M.Maharaja, for R1 to R3

Special Government Pleader (HR & CE)

Mr.S.Kandasamy, for R4

ORDER

Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the respondents 1 to 3 and the learned Counsel for the 4th respondent.

the notice of termination of tenancy passed by the 4th respondent.

3. The learned Counsel for the petitioner would submit that the petitioner has purchased the land in dispute from Manicka Mudaliar and paying the rent regularly. The respondents have revised the rent and the same was not communicated to him, as per Section 34 (A) (2) of the Tamil Nadu Hindu Religious and Charitable Endowments Act and further opportunity of filing an appeal under Section 34 (A) (3) has been curtailed.

4. The learned Special Government Pleader submitted that the revised rent has been fixed by the committee as per Section 34(A) of the Act and there is no illegality in the demand.

5. The learned Counsel for the petitioner submitted that the 4th respondent has terminated the lease vide impugned order dated 19.09.2013, without giving any opportunity to the petitioner as per Section 34 (B) of the Act.

6. On perusal of the records, it is seen that no documents have been produced to establish that notice regarding the fixation of lease amount was communicated to the petitioner as per Section 34 (A) (2) of the Act and an opportunity was also not given to the petitioner before passing the termination of tenancy as per Section 34 (B) of the Act.

7. In the light of the above facts, the order impugned in this writ petition is set aside and matter is remanded back to the 4th respondent for fresh disposal. The 4th respondent shall issue fresh notice and after providing an opportunity of hearing to the petitioner pass orders in accordance with law.

8. Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

msrm / pvs

To

1. The Secretary to Government
Tamil Development , Religious endowments
and Information department

Fort St.George

<https://hcservices.ecourts.gov.in/hcservices/>
Chennai - 600 009.

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

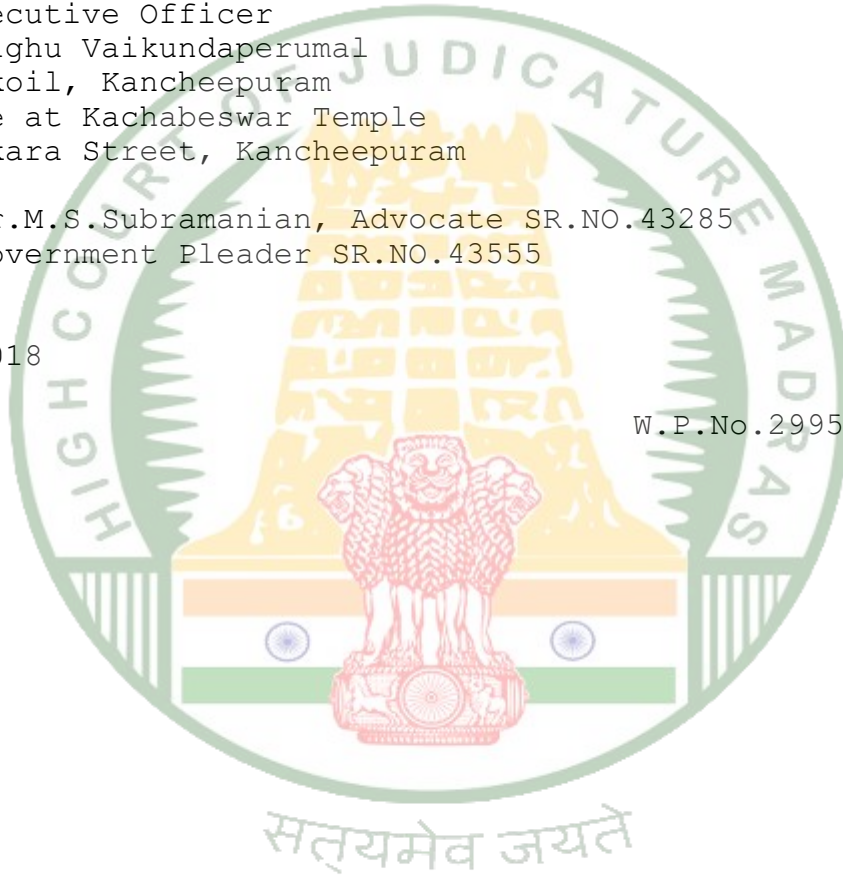
3. The Joint Commissioner
Hindu Religious and Charitable
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4. The Executive Officer
Arulmighu Vaikundaperumal
Thirukoil, Kancheepuram
Office at Kachabeswar Temple
Nellukara Street, Kancheepuram

+1cc to Mr.M.S.Subramanian, Advocate SR.NO.43285
+1cc to Government Pleader SR.NO.43555

PP(CO)
sm:21.8.2018

W.P.No.29958 of 2013



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