

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.12.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.34263, 34269, 34275, 34277, 34281 & 34285 of 2018
and
W.M.P.Nos.39818, 39820, 39825, 39827, 39832, 39833, 39836,
39837, 39839, 39840, 39843 & 39844 of 2018

K.Elumalai

.. Petitioner in
W.P.No.34263 of 2018

S.Rajan Manna

.. Petitioner in
W.P.No.34269 of 2018

D.Sagunthala

.. Petitioner in
W.P.No.34275 of 2018

K.Seethapathi

.. Petitioner in
W.P.No.34277 of 2018

S.Ramalingam

.. Petitioner in
W.P.No.34281 of 2018

D.Mogana

.. Petitioner in
W.P.No.34285 of 2018

Vs.

1. The Secretary to Government,
Tamil Development & Hindu Religious
and Charitable Endowments Department,
Fort St. George,
Chennai - 9.

2. The Joint Commissioner,
Hindu Religious
and Charitable Endowments Board,
Nungambakkam, Chennai-34.

3. The Executive Officer,
Arulmigu Ranganatha Perumal Thirukovil,
Thiruneermalai,
Chennai - 600 44.

.. Respondents in all W.Ps.

PRAYER in all W.Ps.: Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the third respondent pertaining to his proceedings having no reference No. dated 08.02.2018 and his letter No.1-1/1427 dated 26.02.2018 and quash the orders dated 08.02.2018 and 26.02.2018 respectively.

For Petitioners : Mr.R.Sivakumar
in all W.Ps.

For RR1 & 2 : Mr.M.Maharaja
in all W.Ps. Special Government Pleader (HR & CE)

COMMON ORDER

By consent of both parties, these writ petitions are taken up for final disposal at the admission stage itself.

2. These Writ Petitions have been filed challenging the notice issued by the third respondent in letter dated 08.02.2018 and letter No.1-1/1427 dated 26.02.2018 and quash the same.

3. Heard Mr.R.Sivakumar, learned counsel appearing for the petitioners and Mr.M.Maharaja, learned Special Government Pleader appearing for the respondents 1 & 2.

4. The impugned notice is calling upon the petitioners to pay the revised rent for the property occupied by the petitioners. Notice itself is issued pursuant to the order passed by this Court in a batch of writ petitions in W.P.(MD) No.14428/2017 and W.P(MD) No.16833 of 2017 etc. Admittedly, the petitioners are in occupation of the property from the year 1981. The order impugned is only a notice issued by the third respondent calling upon the petitioners to pay revised rent and also to pay the arrears so far to the temple. If the petitioners have got any objection, it is always open to them to file the same and go before the Rent Fixation Committee under Section 34-A of the Tamilnadu Hindu Religious and Charitable Endowments Act, 1956 for fixing lease rent. The said committee then by taking note of the market value and guideline value as well as considering the objections raised by the petitioners may fix the lease rent in accordance with law within a period of three weeks from the date of receipt of the objections from the petitioners. Therefore, it is premature for the petitioners to approach this Court by challenging the notice. Hence, the petitioners are directed to give their objections before the authorities of the third respondent.

5. With the above directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petition are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Secretary to Government,
Tamil Development & Hindu Religious
and Charitable Endowments Department,
Fort St. George,
Chennai -9.
2. The Joint Commissioner,
Hindu Religious
and Charitable Endowments Board,
Nungambakkam,
Chennai,

+2cc to Mr.R.Sivakumar, Advocate Sr.89189 & 98592
+1cc to the Special Government Pleader Sr.89813

सत्यमेव जयते

W.P.Nos.34263, 34269, 34275, 34277,
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srg 11/01/2019

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