

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :04.12.2018

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.31839 of 2018
& WMP No.37078 of 2018

M.Dhanasekar

... Petitioner

Vs.

The Trustee/Executive Officer,
A/M.Varadharaja Perumal Thirukoil,
Pennatthur,
Vellore Taluk,
Vellore District.

.... Respondent

PRAYER: This Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order/notice dated 16.08.2018 issued by the respondent and quash the same and in consequence to that direct the respondent to fix the rent after giving opportunity to the petitioner through written and oral hearing.

For Petitioner :Mr.K.Anbarasan

For Respondent :Mr.M.Maharaja,

Special Government Pleader

HR & CE

O R D E R

Heard, Mr.K.Anbarasan, the learned counsel appearing for the petitioner and Mr.M.Maharaja, the learned Special Government Pleader, who accepts notice on behalf of the respondents.

2. With consent of the learned counsel on either side, the Writ Petition itself is taken up for disposal.

3. This petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to quash the impugned order/notice dated 16.08.2018 issued by the respondent. The petitioner is in possession of the property to the extent of 12806 sq.ft, in Survey No.96/3, which belongs to Arulmighu Varadharaja Perumal Thirukoil of Pennathur Village. The petitioner is running a Rice Mill in the said property. Originally, he was given lease of the said land for a particular amount. Thereafter, the respondent Department had revised the same by fixing a fair rent, which is now impugned in this writ

petition. It is also alleged that the sums demanded in the impugned notice is arrived at without any basis and without giving any notice to the petitioner. Therefore, the same is liable to be set aside.

4. Mr. M.Maharaja, learned Special Government Pleader appearing for the respondent [HR & CE] fairly conceded that the impugned order is passed without application of mind and the extent mentioned in the impugned notice itself is wrong. Therefore, the learned Special Government Pleader requests this Court to remit the matter back to the Executive Officer/ Fit person to enquire into the same after issuing a fresh notice to the petitioner in this regard. Both the counsels agree for the same.

5. Accordingly, the impugned order/notice dated 16.08.2018 issued by the respondent is set aside and this Court, remits back the matter to the Fit Person / Executive Officer of the respondent temple, who in turn, is directed to issue a fresh notice to the petitioner and after affording an opportunity of personal hearing to him and after a due enquiry, shall fix the fair rent, the arrears and enhanced rent if any. The petitioner is directed to co-operate with the enquiry to come to the conclusion at earliest. Such exercise shall be completed within a period six weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

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To

The Trustee/Executive Officer,
A/M.Varadharaja Perumal Thirukoil,
Pennatthur,
Vellore Taluk,
Vellore District.

+1 CC to The Govt. Pleader sr 83589.
+1 CC to Mr.K.Anbarasan, Advocate sr 83034.

W.P.No.31839 of 2018

SSD (CO)
SP (21/12/2018)