



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)Nos.579 to 584 of 2018
and
W.M.P.(MD)Nos.579 to 584 of 2018

J.Rathinakumar	... Petitioner in W.P.(MD)No.579 of 2018
V.Shanmugam	... Petitioner in W.P.(MD)No.580 of 2018
R.Murugan	... Petitioner in W.P.(MD)No.581 of 2018
S.Sundari	... Petitioner in W.P.(MD)No.582 of 2018
R.Seetha	... Petitioner in W.P.(MD)No.583 of 2018
Koodalingam	... Petitioner in W.P.(MD)No.584 of 2018

-Vs-

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Government of Tamil Nadu,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai.
- 3.The Executive Officer,
Arulmigu Dhandayuthapani Swamy Temple,
Dindigul Road,
Madurai-625 001. ... Respondents in all W.Ps.

Prayer in W.P.(MD)No.579 of 2018: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for records relating to the impugned calculation sheet dated 13.07.2017 and the impugned order dated 09.11.2017 passed by the third respondent in respect of the property bearing Door No.14C, Veeraraghava Perumal Kovil Street, South Masi Street, Madurai in the occupation of the petitioner fixing the fair rent at Rs.4,800/-, and quash the same.

Prayer in W.P.(MD)No.580 of 2018: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for records relating to the impugned calculation sheet dated 13.07.2017 and the impugned order dated 09.11.2017 passed by the third respondent in respect of the property bearing Door No.14, Veeraraghava Perumal Kovil Street, South Masi Street, Madurai in the occupation of the petitioner fixing the fair rent at Rs.5,520/-, and quash the same.



Prayer in W.P.(MD)No.581 of 2018: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for records relating to the impugned calculation sheet dated 13.07.2017 and the impugned order dated 09.11.2017 passed by the third respondent in respect of the property bearing Door No.15, Veeraraghava Perumal Kovil Street, South Masi Street, Madurai in the occupation of the petitioner fixing the fair rent at Rs.9,930/-, and quash the same.

Prayer in W.P.(MD)No.582 of 2018: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for records relating to the impugned calculation sheet dated 13.07.2017 and the impugned order dated 09.11.2017 passed by the third respondent in respect of the property bearing Door No.14B, Veeraraghava Perumal Kovil Street, South Masi Street, Madurai in the occupation of the petitioner fixing the fair rent at Rs.3,750/- and quash the same.

Prayer in W.P.(MD)No.583 of 2018: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for records relating to the impugned calculation sheet dated 13.07.2017 and the impugned order dated 09.11.2017 passed by the third respondent in respect of the property bearing Door No.1, First Floor, Chetti Gurunatha Swamy Kovil Street, South Masi Street, Madurai in the occupation of the petitioner fixing the fair rent at Rs.5,830/-, and quash the same.

Prayer in W.P.(MD)No.584 of 2018: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for records relating to the impugned calculation sheet dated 13.07.2017 and the impugned order dated 09.11.2017 passed by the third respondent in respect of the property bearing Door No.14D, Veeraraghava Perumal Kovil Street, South Masi Street, Madurai in the occupation of the petitioner fixing the fair rent at Rs.5,600/- & Rs.5,400/- and quash the same.

For Petitioner : Mr.J.Barathan
For R1 and R2 : Mr.M.Rajarajan,
Government Advocate.
For R3 : Mr.Manohar
in all Writ Petitions.

ORDER

The batch of Writ Petitions has been filed challenging the order fixing the fair rent to the petitioners' shop.

2.The learned counsel appearing for the petitioner submitted that the fair rent fixation committee has fixed the fair rent, without issuing notice to the petitioners and without giving any opportunity, the fair rent fixation committee directed the petitioners to pay the exorbitant fair rent.



3.The learned Government Advocate, on instructions, admitted that the fixation committee did not issue any notice to all the petitioners before fixing the fair rent.

4.In the above circumstances, without going into the merits of the case, the impugned order passed by the third respondent is set aside and the matter is remanded back to the fair rent fixation committee. The fair rent fixation committee is directed to issue notice to all the petitioners, within a period of two weeks from the date of receipt of a copy of this order and the petitioners are directed to file their objections and on filing such objections, the fair rent fixation committee is directed to consider the same and fix the fair rent and the petitioners are directed to pay the entire arrears as on today, within a period of two weeks thereafter.

5.With the above direction, these Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected W.M.P.(MD)Nos.579 to 584 of 2018 are closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub-Assistant Registrar

To

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Government of Tamil Nadu,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai.

3.The Executive Officer,
Arulmigu Dhandayuthapani Swamy Temple,
Dindigul Road,
Madurai-625 001.

+6 ccs to Mr.T.R.Jeyapalam, Advocate, SR.Nos.42095 to 42100

+One cc to The Special Government Pleader, SR.No.42313

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RL/11C/3P/SKN/RSK/SAR4/13/2/2018

W.P.(MD)Nos.579 to 584 of 2018