



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2018

CORAM:

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

WEB COPY

W.P. (MD) No.7412 of 2018

and

W.M.P. (MD) .Nos.7093 and 7094 of 2018

Rajagopal

... Petitioner

Vs.

1.The Executive Officer,
A/m.Thayamanasamy Thirukoil,
Arasalur Village, Thottiam Taluk,
Trichy District.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Srirangam,
Trichy.

... Respondents

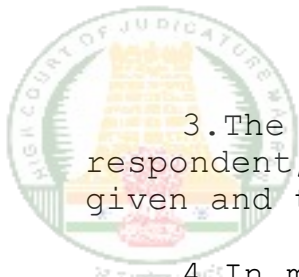
PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records relating to the proceedings in demand notice S.No.216/A2 and S.No.194/2 dated 25.02.2018 on the file of the 2nd respondent herein and quash the same consequently, directing the respondents not to collect the kist more than fixed in the judgment and decree in A.S.No.346 of 1990 dated 22.03.1991 by the District Court, Trichy for the lands in S.F.No.216/A2 to an extent of 0.71 cents and S.No.194/1 to an extent of 1.20 acres at Melakaraikadu Village, Thottiyam Taluk, Trichy District.

For Petitioner : Mr.G.Manikandan
For R1 : Mr.Guhaseela Roopan
For R2 : Mr.J.Nagarajan
Spl. Government Pleader

O R D E R

Heard Mr.G.Manikandan, learned counsel appearing for the petitioner, Mr.Guhaseela Roopan, learned counsel appearing for the first respondent and Mr.J.Nagarajan, learned Special Government Pleader appearing for the second respondent.

2.According to the petitioner, the respondents have not given credit to the draught hit fasli year, while enhancing the rent.



3.The learned Standing counsel appearing for the first respondent, on the other hand, submits that due to credit has been given and that the present notice is only a demand notice.

4.In my view, it would be appropriate that the first respondent herein gives a detailed calculation memo, justifying the enhancement of the rent and on receipt of such calculation memo, the petitioner herein is at liberty to raise his objections. On receipt of such objections, the first respondent herein shall pass orders, after due consideration of the petitioner's objections, within a period of 12 weeks from the date of receipt of a copy of this order. Till such time, the first respondent shall not take any coercive steps to evict the petitioner from the subject premises.

5.With the above observations, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To

The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Srirangam,
Trichy.

+2cc to Mr.C.Guhaseelarupan, Advocate, SR.No.59910

+1cc to Mr.G.Manikandan, Advocate, SR.No.59955

Ns

RL/5C/2P/KKR/SAR3/18/4/2018

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05.04.2018