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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No. 9978 of 2018

and

W.M.P. Nos.9123 and 9124 of 2018

T. Chandra Devi

... Petitioner

vs.

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Madurai.

2. The Executive Officer
(Full Additional Incharge),
Arulmighu Vedasasmy @ Yanai Karuppanasamy Thirukkivil
Thavittusanthai,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent dated 11.01.2018 and quash the same and consequently direct the respondents to fix the proper rent amount to the petitioner's shop as per the guideline value in the market.

For Petitioner : Mr.S.Mahalakshmi
for Mr.P.Senguttuarasan

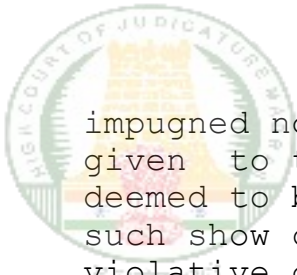
For Respondent
No.1 : Mr.N.Shanmuga Selvam
Additional Government Pleader
No.2 : S.Manohar.

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.One of the grounds raised by the learned counsel for the petitioner is that the impugned notice informing the petitioner about enhancement has been done without calling for explanations and giving calculation memo as to how and on what basis the rent has been enhanced from Rs.600/- to 11,040/-.

3.On a perusal of the impugned notice, it is seen that there is no reference to any show cause notice being given to the petitioner calling for explanation on the proposed enhancement. There is a vague reference to the letter dated 15.02.2017 in the



impugned notice. Even that letter is referred as information being given to the petitioner about the enhancement, which cannot be deemed to be a notice calling for explanation. In the absence of such show cause notice, the impugned notice dated 11.01.2018 is violative of principles of natural justice.

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5. In the light of the above observation, the impugned notice dated 11.01.2018 issued by the second respondent is set aside and the matter is remanded back to the second respondent with a direction to issue show cause notice calling for explanation on the proposed enhancement along with a calculation memo. In case explanation is given to the show cause notice, the same shall be considered after giving due opportunity to the petitioner and appropriate orders shall be passed. Such an exercise of passing orders shall be made within a period of eight weeks from the date of show cause notice.

6. With the above direction, the Writ Petition is ordered accordingly. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Madurai.

+1CC to Mr.s.Manohar Advocate in SR.No.64314,
+1Cc to Mr.P.Senguttuarasan Advocate in SR.No.64842.

AAV

DS/KKR/SAR-2 :10.05.2018: 2P/4C

W.P. (MD) No. 9978 of 2018
27.04.2018