



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.07.2018
CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

W.P. (MD) No.12111 of 2018
and
W.M.P. (MD) .Nos.11030, 11031,
11032 & 13387 of 2018

Kumaresan ... Petitioner
vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Thiruvanaikovil, Tiruchirappalli.

2.The Executive Officer,
Hindu Religious and Charitable Endowment,
Arulmigu Anjaneyar Thirukoil,
South 4th Street,
Pudukkottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, call for the records of the 2nd respondent relating to his impugned notice in Fixed Rent Notice dated 30.04.2018 and consequential impugned notice issued by the second respondent in arrears of rent notice dated 30.04.2018 and to quash the same.

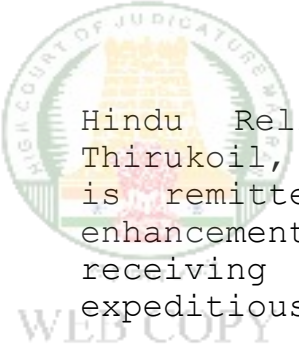
For Petitioner : Mr.D.Rameshkumar
For Respondents : Mr.J.Gunaseelanmuthiah
Additional Government Pleader

O R D E R

Heard Mr.D.Rameshkumar, learned counsel appearing for the petitioner and Mr.J.Gunaseelanmuthiah, learned Additional Government Pleader takes notice for the respondents.

2. The ground raised by the present writ petition is that the rent for the petitioner's premises had been retrospectively enhanced without giving any prior notice and calling for objections from the petitioner herein. This Court in various writ petitions have held that such an exercise of enhancing the rent without notice to the lessees, is violative in the principles of natural justice and hence, illegal. It is not in dispute that no prior notice was given to the petitioner herein prior to the enhancement. As such the enhancement itself may not be appropriate.

3. In the light of the observations, the impugned order dated 30.04.2018, passed by the second respondent / The Executive Officer,



Hindu Religious and Charitable Endowment, Arulmigu Anjaneyar Thirukoil, South 4th Street, Pudukkottai, is quashed and the matter is remitted back to the second respondent to reconsider the enhancement after giving prior notice to the petitioner and after receiving their objections and pass a speaking order as expeditiously as possible.

4. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Crl. side)

/True Copy/

Sub Assistant Registrar(CS-II)

To:

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Thiruvanaikovil, Tiruchirappalli.

2.The Executive Officer,
Hindu Religious and Charitable Endowment,
Arulmigu Anjaneyar Thirukoil,
South 4th Street,
Pudukkottai.

+1cc to M/S.D.Rameshkumar, Advocate SR.No. 72700

+2cc to M/S.G.Mathavan, Advocate SR.No. 72657

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and

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rmk

JM/SKN RSK/SAR 2/27.07.2018/2P/6C