

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 16.07.2018****CORAM:****THE HONOURABLE MR. JUSTICE M.S. RAMESH****W.P. (MD) No.12466 of 2018****and****W.M.P. (MD) .Nos.11336 to 11338 and 13375 of 2018**

WEB COPY

Mohan

... 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, to 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 R1 : Mr.J.Gunaseelanmuthiah
Additional Government Pleader

For R2 : Mr.G.Madhavan

ORDER

Heard Mr.D.Rameshkumar, learned counsel appearing for the petitioner and Mr.J.Gunaseelanmuthiah, learned Additional Government Pleader appearing for the first respondent and Mr.G.Madhavan, learned counsel appearing for the second respondent.

2. The petitioner is alleged to be the tenant of the original lessee. The main ground raised by the petitioner is that no opportunity was given to the petitioner for fixation of lease rent and as such, the impugned order is liable to be quashed.

3. Admittedly, when the impugned rent notice was issued by the second respondent to the petitioner herein, no opportunity was given to the petitioner. As such, the same would amount to violation of principles of natural justice and hence, the impugned order requires to be set aside on this sole ground.



4. In the result, the writ petition stands allowed. The impugned notice, dated 30.04.2018 issued by the second respondent herein is quashed and the matter is remitted back to the second respondent to consider afresh, after, giving prior show cause notice to the petitioner herein calling for his objections and on a receipt of such objections, the same shall be considered by the second respondent by passing a speaking order, after giving due opportunity to the petitioner. Such an exercise shall be made by referring the petitioner's objection to the Committee for fixation of rent and the Committee shall consider the petitioner's objection before determining the rent and on consideration of the petitioner's objection, appropriate orders shall be passed, as expeditiously as possible.

5. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-IV)

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 Spl.Government Pleader Sr.No.73591
+1cc to Mr.G.Madhavan, Advocate Sr.No.73301

SJI

VB/SKN/RSK/SAR4/30.07.2018/2P/5C

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and

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