



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.15058 of 2018

and

W.M.P. (MD) .Nos.13634 to 13636 of 2018

D.Gnanakalaimohankumar

... Petitioner

Vs.

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

2. The Executive Officer,
Hindu Religious and Charitable Endowment,
Arulmigu Santhanathaswamy Thirukoil,
Pudukkottai Devasthanam,
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 02.06.2018 and consequential impugned notice issued by the second respondent in arrears of rent notice dated 02.06.2018 and to quash the same.

For Petitioner : Mr.M.Suresh

For Respondents : Mr.J.Gunaseelanmuthiah

Additional Government Pleader
for R1

Mr.G.Madhavan for R2

ORDER

Heard Mr.M.Suresh, learned counsel appearing for the petitioner and Mr.J.Gunaseelanmuthiah, learned Additional Government Pleader takes notice for the first respondent.

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

3. 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 of 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.



4. In the light of the observations, the impugned order dated 02.06.2018, passed by the second respondent / The Executive Officer, Hindu Religious and Charitable Endowment, Arulmigu Santhanathaswamy Thirukoil, Pudukkottai Devasthanam, 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 speaking order as expeditiously as possible.

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

Sd/-

Assistant Registrar (W)

/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 Santhanathaswamy Thirukoil,
Pudukkottai Devasthanam,
Pudukkottai.

+2CC to Mr.G.Mathavan, Advocate, SR.No. 72691

+1CC to the Special Government Pleader SR.No. 72832

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SJI

ES/PN/SAR 2/01.08.2018/2P/6C