



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE **M.S.RAMESH**
W.P.(MD) Nos.15493 and 15494 of 2018
and
W.M.P.(MD) .Nos.13950 to 13955 of 2018

M.Kaja Mohaideen ... Petitioner in W.P.(MD) No.15493 of 2018
M.Shajahan ... Petitioner in W.P.(MD) No.15494 of 2018

vs.

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

2. The Executive Officer,
Arulmigu Santhanathaswamy Temple,
Pudukkottai Town,
Pudukkottai District. ... Respondents in both W.Ps.,

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records of the second respondent relating to his impugned proceedings in fixed rent notice dated 02/06/2018 and the consequential impugned proceedings in arrears of rent notice dated 02/06/2018 of the second respondent and to quash the same.

For Petitioner
in both W.Ps., : Mr.G.Sridharan

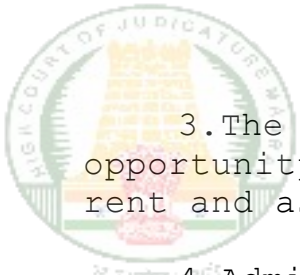
For R1
in both W.Ps., : Mr.V.Anand
Government Advocate

For R2
in both W.Ps., : Mr.G.Madhavan

COMMON ORDER

Heard Mr.G.Sridharan, learned counsel appearing for the petitioners and Mr.V.Anand learned Government Advocate appearing for the first respondent and Mr.G.Madhavan, learned counsel appearing for the second respondent.

2.It is not in dispute to the petitioners herein is a tenant under the second respondent temple.



3.The main ground raised by the petitioners is that no opportunity was given to the petitioners for fixation of lease rent and as such, the impugned order is liable to be quashed.

4.Admittedly, when the impugned rent notice was issued by the second respondent to the petitioners herein, no opportunity was given to the petitioners. 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.

5.In the result, the impugned notice, dated 02.06.2018 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 petitioners herein calling for their 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 petitioners. Such an exercise shall be made by referring the petitioners' objection to the Committee for fixation of rent and the Committee shall consider the petitioners' objection before determining the rent and on consideration of the petitioners' objection, appropriate orders shall be passed, as expeditiously as possible.

6.With the above direction, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS-I)

To:

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

+2cc to Mr.G.Madhavan, Advocate Sr.No.73294,73295
+2cc to Mr.G.Sridharan, Advocate Sr.No.73239,73240

MM
VB/SKN/RSK/SAR1/31.07.2018/2P/6C