



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P. (MD) No.16038 of 2018

and

W.M.P. (MD) .Nos.14303 to 14306 of 2018

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M.K.Sridhar

... Petitioner

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

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 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 2nd respondent and to quash the same.

For Petitioner	: Mr.G.Sridharan
For R-1	: Mr.V.Anand
	Government Advocate
For R-2	: Mr.G.Madhavan

O R D E R

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

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

3. It is not in dispute to the petitioner herein is a tenant under the second respondent temple.

3. 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.



4. 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.

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5. In the result, the writ petition stands allowed. 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 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. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar(CS-IV)

To:

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thiruvanaikovil, Tiruchirappalli.
2. The Executive Officer,
Arulmigu Santhanathaswamy Temple,
Pudukkottai Town,
Pudukkottai District.

+2cc to Mr.G.Sridharan, Advocate Sr.No.74433

SJI

VB/MMS/SAR4/06.08.2018/2P/5C

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