



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) Nos.16232 & 16233 of 2018

and

W.M.P.(MD) Nos.14455, 14456, 14457, 14458, 14459 & 14460 of 2018

WEB COPY

R.Shalini

... Petitioner in both W.Ps.

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

... Respondents in both W.Ps.

PRAYER (in W.P.(MD) No.16232 of 2018): Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records of the second respondent relating to his impugned notice in Fixed Rent Notice dated 2.6.2018 and consequential impugned notice issued by the second respondent in Arrears of Rent Notice dated 2.6.2018 and to quash the same.

PRAYER (in W.P.(MD) No.16233 of 2018): Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records of the second respondent relating to his impugned notice in Fixed Rent Notice dated 2.6.2018 and consequential impugned notice issued by the second respondent in Arrears of Rent Notice dated 2.6.2018 and to quash the same.

For Petitioner : Mr.D.Ramesh Kumar
(in both W.Ps.)

For Respondents : Mr.N.Shanmugaselvam
(in both W.Ps.) Additional Government Pleader for R1
Mr.G.Madhavan for R2

COMMON ORDER

Mr.N.Shanmugaselvam, learned Additional Government Pleader, takes notice for the first respondent and Mr.G.Madhavan, learned counsel, takes notice for the second respondent.

2. Since the issue involved in both the writ petitions is one and the same, they have been clubbed together, heard together and are being disposed of by this common order.



3. By consent of both parties, these writ petitions are taken up for final disposal at the stage of admission itself.

4. The ground raised by the petitioner is that the rent for her premises had been retrospectively enhanced without giving any prior notice and calling for objections from her. This Court in various writ petitions has held that such an exercise of enhancing the rent without prior notice to the lessees, is violative of the principles of natural justice and hence is illegal. It is not in dispute that notice was not given to the petitioner herein prior to the enhancement. As such, the enhancement of rent itself may not be appropriate.

5. In the light of the above observations, the impugned orders dated 02.06.2018, passed by the second respondent / The Executive Officer, Hindu Religious and Charitable Endowment, Arulmigu Santhanathaswamy Thirukoil, Pudukkottai, are quashed and the matter is remitted back to the second respondent to reconsider the enhancement, after giving prior notice to the petitioner and pass a speaking order as expeditiously as possible after considering her objections.

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

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar(CS-IV)

+1CC to Mr.D.Ramesh Kumar, Advocate, SR.No. 75180

+2CC to Mr.G.Madhavan, Advocate, SR.Nos. 74963, 74964

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KRK

ES/MMS/SAR 4/02.08.2018/2P/4C