

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 06.09.2018****CORAM:****THE HONOURABLE MR.JUSTICE V.PARTHIBAN****W.P. (MD) No.19336 of 2018****and****W.M.P. (MD) No.17172 of 2018**

WEB COPY

S.Kanagasabhai

... Petitioner

vs.

The Joint Commissioner /
Executive Officer
Arulmigu Meenakshi Sundareswarar Temple
Madurai

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records of the respondent dated 30.12.2017 in proceedings Na.Ka.No.2925/2017/E2 quash the same, as the same is arbitrary, ultravires, in violation of principles of natural justice, audi alteram partem and consequentially direct the respondent to demand rent in consonance with G.O.M.S.No.456 Tamil Development, Hindu Religious and Charitable Endowment Department dated 9/11/2017 in respect of Shop No.346, Usilai Road, Madurai-1.

For Petitioner : Mr.R.G.Shankar Ganesh

For Respondents: Mr.V.R.Shanmuganathan

Special Government Pleader

ORDER

The petitioner is aggrieved by the impugned action of the respondent in revising the rent without furnishing any calculation memo or notice to him. According to the petitioner, he is a tenant of the property belonging to respondent - Temple. By proceedings dated 30.12.2017, the rent, which has been paid by the petitioner, was revised and the same was put into effect from 01.07.2016. As per the said notice, the petitioner was also directed to pay arrears on the enhanced rent. Therefore, the petitioner is before this Court challenging the said communication dated 30.12.2017.

2. The learned counsel appearing for the petitioner, at the outset, would contend that without furnishing any calculation memo or putting the petitioner on notice, suddenly, the impugned order was passed revising the rent to the detriment of the petitioner.

3. The learned counsel for the petitioner would submit that under similar circumstances, the learned Judge of this Court, by a common order dated 01.02.2018, passed in W.P.(MD) Nos.2030 to 2042



of 2018, has directed the Authority to furnish a calculation memo and provide opportunity to the petitioners therein and pass orders thereafter. The operative portion of the said order is extracted hereunder:

"4. In view of the above, the impugned order is directed to be treated as show cause notice and the respondent is directed to give calculation memo to the petitioners and on receipt of the same, the petitioners are directed to submit their objections within one week from the date of receipt of the calculation memo. If any such objection is received, the respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, within a period of two weeks thereafter."

4. Mr.V.R.Shanmuganathan, learned Special Government Pleader, takes notice for the respondent.

5. According to the learned counsel appearing for the petitioner, the present case is also covered by the aforesaid order passed by the learned Judge of this Court. Therefore, he would submit that a similar direction may be issued in this case also.

6. Considering the facts and circumstances of the case and the submissions made, this Court, in the fitness of things, would pass the following directions:

- i. The impugned order is directed to be treated as a show cause notice.
- ii. The respondent is directed to give a calculation memo to the petitioner and on receipt of the same, the petitioner is directed to submit his objections within a period of one week from the date of receipt of the calculation memo.
- iii. If any such objection is received, the respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, within a period of two weeks thereafter.

7. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/



To:

The Joint Commissioner /
Executive Officer,
Arulmigu Meenakshi Sundareswarar Temple,
Madurai.

+1cc to Mr.R.G.Shankar Ganesh, Advocate Sr.No.83023

KRK

VB/RP/SAR2/28.09.2018/3P/3C

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and
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