



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2019

CORAM

THE HON'BLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) No.1000 of 2019

and

C.M.P(MD) .No.5573 of 2019

Ponnusamy

... Petitioner/Petitioner/
Plaintiff

-Vs-

1.Arulmigu Mahaliamman Deivachilai

Represented through its Managing Trustee

N.A.Subramanian

Puliyampatti, Aruppukottai Town

Virudhunagar District

...1st Respondent/1st Respondent
/Defendant No.1

2.The Joint Commissioner

Hindu Religious Charitable Endowment Board

Sivagangai Town

Sivangangai District

..2nd Respondent/2nd Respondent
/Proposed 2nd Defendant

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 09.10.2018 passed in I.A.No.365 of 2017 in O.S.No.1 of 2011 on the file of the Additional District Munsif Court, Aruppukkottai.

For Petitioner : Mr.S.Natarajan

O R D E R

This Civil Revision Petition has been filed against the fair and decreetal order dated 09.10.2018 passed in I.A.No.365 of 2017 in O.S.No.1 of 2011, whereby and whereunder the Court below has dismissed the petition filed by the petitioner seeking to implead the 2nd respondent herein as 2nd defendant in the suit.

2. The petitioner herein, who is a tenant under the first respondent temple, has filed the suit in O.S.No.1 of 2011 for permanent injunction by directing the first respondent/defendant not to evict the petitioner except under due process of law. During the pendency of the same, the petitioner/tenant has filed I.A.No.365 of 2017 seeking to implead the 2nd respondent herein as 2nd defendant



in the suit. The Court below has dismissed the petition. Challenging the same, the petitioner has filed this revision petition.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. The main ground on which the petitioner wanted to implead the 2nd respondent herein is that the first respondent/defendant raised the rent from Rs.600/- to Rs.15,160/- on the basis of the order of the 2nd respondent herein and the said increase of rent is arbitrary and without adopting the contemplated procedure and hence, the 2nd respondent is a necessary party to be impleaded. Section 34(A) of the Hindu Religious and Charitable Endowment Act, 1959, empowers the 2nd respondent to fix the rent to the immovable property relating to the religious institution. If any person aggrieved by such order, he can file appeal to the Commissioner within a period of thirty days from the date of receipt of such order. The Commissioner may, after giving an opportunity to the aggrieved person, pass such order as he thinks fit. If any one is aggrieved by an order passed by the Commissioner, he can prefer a revision petition before this Court, within a period of ninety days from the date of receipt of such order. The Court below has held that the petitioner, without following the above procedure, wanted to implead the second respondent, which is strictly prohibited under Section 34-D of the Act. This Court does not find any reason to interfere with the said finding of the Court below.

5. In view of the above, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (Ad-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Additional District Munsif,
Aruppukkottai.

2.The Section Officer,V.R.Section
Madurai Bench of Madras High Court
Madurai.

+1 CC to Mr.S.NATARAJAN, Advocate SR-72360.