



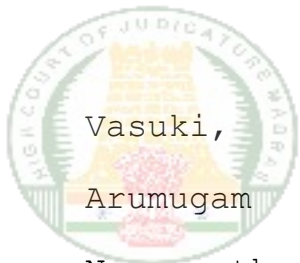
BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHANW.P. (MD) Nos.8949 to 9047 of 2019 andW.M.P. (MD) Nos.6915 to 7054 of 2019

Marichamy Naidu	... Petitioner in WP (MD) . 8949/ 2019
Subbulakshmi	... Petitioner in WP (MD) . 8950/ 2019
W/O.Pethusamy Naidu	
Subbulakshmi	... Petitioner in WP (MD) . 8951/ 2019
W/O.Late.Veerachamy	
Sulochana	... Petitioner in WP (MD) . 8952/ 2019
Chellathai,	... Petitioner in WP (MD) . 8953/ 2019
Pandiaraj,	... Petitioner in WP (MD) . 8954/ 2019
Muruganandam	... Petitioner in WP (MD) . 8955/ 2019
Banumathi,	... Petitioner in WP (MD) . 8956/ 2019
Muthupandi Panchavarnam	... Petitioner in WP (MD) . 8957/ 2019
Indira,	... Petitioner in WP (MD) . 8958/ 2019
Dhana Packiyam,	... Petitioner in WP (MD) . 8959/ 2019
Lakshmi,	... Petitioner in WP (MD) . 8960/ 2019
Kannan	... Petitioner in WP (MD) . 8961/ 2019
Arumugam,	... Petitioner in WP (MD) . 8962/ 2019
Meenakshi Sundaram,	... Petitioner in WP (MD) . 8963/ 2019
Dr.R.Diyanesh	... Petitioner in WP (MD) . 8964/ 2019
Anuradha,	... Petitioner in WP (MD) . 8965/ 2019
Kasthuri Ammal	... Petitioner in WP (MD) . 8966/ 2019
Nagaiah	... Petitioner in WP (MD) . 8967/ 2019
Maheswari	... Petitioner in WP (MD) . 8968/ 2019



Vasuki,

Arumugam

Navaneetha Krishnan,

Raja,

Muthumari,

Murugesan,

Ponnaiah,

Saravanaraja,

Marikumar,

Lingammal,

Moisan,

Palaniselvi,

Valarmathi

Saroja,

Chamundeeswari,

Arulkumaran,

Arulkumaran

Balammal

Lakshmi,

Rengammal,

Meenabharathi

Vijayalakshmi,

Meenakshi

Subbulakshmi

Manoharan,

Murugesan,

... Petitioner in WP(MD) . 8969/ 2019

... Petitioner in WP(MD) . 8970/ 2019

... Petitioner in WP(MD) . 8971/ 2019

... Petitioner in WP(MD) . 8972/ 2019

... Petitioner in WP(MD) . 8973/ 2019

... Petitioner in WP(MD) . 8974/ 2019

... Petitioner in WP(MD) . 8975/ 2019

... Petitioner in WP(MD) . 8976/ 2019

... Petitioner in WP(MD) . 8977/ 2019

... Petitioner in WP(MD) . 8978/ 2019

... Petitioner in WP(MD) . 8979/ 2019

... Petitioner in WP(MD) . 8980/ 2019

... Petitioner in WP(MD) . 8981/ 2019

... Petitioner in WP(MD) . 8982/ 2019

... Petitioner in WP(MD) . 8983/ 2019

... Petitioner in WP(MD) . 8984/ 2019

... Petitioner in WP(MD) . 8985/ 2019

... Petitioner in WP(MD) . 8986/ 2019

... Petitioner in WP(MD) . 8987/ 2019

... Petitioner in WP(MD) . 8988/ 2019

... Petitioner in WP(MD) . 8989/ 2019

... Petitioner in WP(MD) . 8990/ 2019

... Petitioner in WP(MD) . 8991/ 2019

... Petitioner in WP(MD) . 8992/ 2019

... Petitioner in WP(MD) . 8993/ 2019

... Petitioner in WP(MD) . 8994/ 2019

... Petitioner in WP(MD) . 8995/ 2019



Lakshmiammal,
Selvam,
Gandhimathi

... Petitioner in WP(MD). 8996/ 2019
... Petitioner in WP(MD). 8997/ 2019
... Petitioner in WP(MD). 8998/ 2019

Prakasam,

... Petitioner in WP(MD). 8999/ 2019

Sugapriya,

... Petitioner in WP(MD). 9000/ 2019

Ganga,

... Petitioner in WP(MD). 9001/ 2019

Palsamy,

... Petitioner in WP(MD). 9002/ 2019

Dhanusuraman

... Petitioner in WP(MD). 9003/ 2019

Vishrathi Nadesh

... Petitioner in WP(MD). 9004/ 2019

Gurusamy,

... Petitioner in WP(MD). 9005/ 2019

Jebamalai

W/o.Subramanian

... Petitioner in WP(MD). 9006 to 9009 2019

Eswariammal

... Petitioner in WP(MD). 9010/ 2019

Selvakumar,

... Petitioner in WP(MD). 9011/ 2019

Thedaselvam

... Petitioner in WP(MD). 9012 to 9014 2019

Rajagopal,

... Petitioner in WP(MD). 9015/ 2019

Madurai City Benefit Fund Ltd.

Rep. by its Managing Director, K.Dharmar,

S/o Kandasamy, No.15/1, Puttuthoppu Main Road,

Puttuthoppu, Madurai-16

... Petitioner in WP(MD). 9016/ 2019

Kousalya,

... Petitioner in WP(MD). 9017/ 2019

Meenakshi

... Petitioner in WP(MD). 9018/ 2019

Subburaj,

... Petitioner in WP(MD). 9019/ 2019

... Petitioner in WP(MD). 9020/ 2019



Bose,
Palaniammal,
Gandhimathi,
Venkateswari

Pounraj,

Devadass,

Pandiammal,

Murugesan

Rajangam,

Mariaselvi

Shanmuganathan @ Pazhavesam

Eswari Ammal

Pakialakshmi

Gopalsamy

Ramesh

Subbulakshmi

Ponnuthai

Pandiarajan

Saravanaraja

Ravi

Vijayalakshmi

Gnanasekar

Gandhimathi

Ramu

Balakrishnan

Thedaselvam

<https://hcservices.ecourts.gov.in/hcservices/>

Seenivasan

... Petitioner in WP(MD) . 9021/ 2019
... Petitioner in WP(MD) . 9022/ 2019
... Petitioner in WP(MD) . 9023/ 2019
... Petitioner in WP(MD) . 9024/ 2019
... Petitioner in WP(MD) . 9025/ 2019
... Petitioner in WP(MD) . 9026/ 2019
... Petitioner in WP(MD) . 9027/ 2019
... Petitioner in WP(MD) . 9028/ 2019
... Petitioner in WP(MD) . 9029/ 2019
... Petitioner in WP(MD) . 9030/ 2019
... Petitioner in WP(MD) . 9031/ 2019
... Petitioner in WP(MD) . 9032/ 2019
... Petitioner in WP(MD) . 9033/ 2019
... Petitioner in WP(MD) . 9034/ 2019
... Petitioner in WP(MD) . 9035/ 2019
... Petitioner in WP(MD) . 9036/ 2019
... Petitioner in WP(MD) . 9037/ 2019
... Petitioner in WP(MD) . 9038/ 2019
... Petitioner in WP(MD) . 9039/ 2019
... Petitioner in WP(MD) . 9040/ 2019
... Petitioner in WP(MD) . 9041/ 2019
... Petitioner in WP(MD) . 9042/ 2019
... Petitioner in WP(MD) . 9043/ 2019
... Petitioner in WP(MD) . 9044/ 2019
... Petitioner in WP(MD) . 9045/ 2019
... Petitioner in WP(MD) . 9046/ 2019
... Petitioner in WP(MD) . 9047/ 2019



Vs.

WIP COPY
Thakkar,

(The Executive Officer, Arulmighu
Dhandayuthapaniswamy Temple, Madurai),
Arulmighu Puttu Urchava Vagaiyara Kattalai,
Arulmighu Sokkanathar Thirukovil,
Puttuthoppu, Madurai - 625 016.

... Respondent in all the WP's

COMMON PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned orders of the respondent dated 23.06.2018 and 14.02.2019 and quash the same as illegal and consequently directing the respondent to re-fix the fair rent in accordance with law.

For Petitioner : Mr.M.Kannan, in all WP's

For Respondent : Mr.M.Saravanan, in all WP's

C O M M O N O R D E R

Mr.M.Saravanan, learned counsel takes notice for the respondent.

2. Heard the learned counsel on either side. By consent, the main Writ petitions are taken up for final disposal.

3. The Writ petitioners herein have been paying ground rent to the respondent institution. The ground rent has been revised and enhanced by the impugned orders dated 23.06.2018. The enhancement has been made with effect from 01.07.2016. The petitioners' counsel contends that the procedure laid down in the Tamil Nadu Hindu Religious and Charitable Endowments Act 1959 has not been followed and that is why he has straightaway approached this Court without availing the alternative remedy.

4. The learned counsel appearing for the respondent opposed the Writ petitions and wanted this Court to dismiss the same by sustaining the orders impugned in these Writ petitions.

5. I carefully considered the rival contentions.

6. The Hon'ble Division Bench in the decision reported in <https://hcservices.ecourts.gov.in/hcservices/> (2009) 3 L.W. 728 (Arulmigu Angala Parameswari and Kasivishwanathaswami Temple Adimanaiveal House Owners Asso. V. The



State of Tamil Nadu & others) had laid down the procedure to be followed for revising the lease rent in terms of Section 34(A)(2) of the Act. Paragraph Nos.15, 16 and 17 of the said decision are particularly relevant. It is seen that the procedure indicated in the aforesaid decision has not been followed in the present case. Therefore, on that sole ground, the orders impugned in these Writ petitions stand quashed. The Writ petitions stand allowed, accordingly.

7. The matter is remitted to the file of the competent body constituted under Section 34(A)(2) of the Tamil Nadu Hindu Religious and Charitable Endowments Act. The said body will pass orders in accordance with law, after putting the petitioners on notice. It is made clear that the respondent would complete the exercise of revising and refixing the rent payable by the petitioners herein within a period of six months from the date of receipt of a copy of this order.

8. The matter cannot rest there. The petitioners are occupying the property belonging to the religious institution. The learned counsel appearing for the petitioners on instructions submitted that the petitioners would continue to pay in the following manner:-

Old Rate + 50% of the enhancement.

Since the enhancement has been made with effect from 01.07.2016, the petitioners shall also pay 25% of the arrears within a period of eight weeks from the date of receipt of a copy of this order. If the petitioners fail to pay the arrears within the aforesaid period, the order now passed will stand automatically recalled and the Writ petitions would stand dismissed.

9. The learned counsel appearing for the petitioners on instructions further specifically undertook not to apply for any extension of time or modification of the order now passed. The said undertaking is also recorded. It is made clear that the rights of both the parties are left open.

No costs. Consequently, connected Miscellaneous petitions are closed.

SD
ASSISTANT REGISTRAR (C.O.)

TRUE COPY

SUB ASSISTANT REGISTRAR (CS)

pmu



To

Thakkar,
(The Executive Officer,
Arulmighu Dhandayuthapaniswamy Temple, Madurai),
Arulmighu Puttu Urchava Vagaiyara Kattalai,
Arulmighu Sokkanathar Thirukovil,
Puttuthoppu, Madurai - 625 016.

1CC TO MR.M.KANNAN, ADVOCATE SR 61344

5CC'S TO MR.M.SARAVANAN,ADVOCATE SR 61174

KK
27/06/2019
7P 8C

W.P. (MD) Nos.8949 to 9047 of 2019

and

W.M.P. (MD) Nos.6915 to 7054 of 2019

15.04.2019