



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.11.2019

CORAM

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THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.(MD)No.10533 of 2019

S.Muthulakshmi : Petitioner

Vs.

1.The Commissioner,
Hindu Religious & Charitable Endowment Department,
Nungambakam High Road, Chennai - 34.

2.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Palayamkottai, Tirunelveli- 2.

3.The Executive Officer,
A/m Kailasanathar Temple,
Tirunelveli Junction,
Tirunelveli - 1.

: Respondents

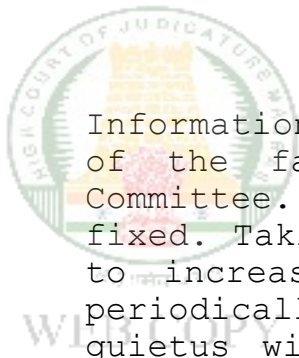
PRAYER : Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the third respondent to refix the rent amount for residential purpose as per the G.O.(Ms)No.456 dated 09.11.2007 based on the petitioner's representation dated 09.11.2017 in accordance with law within a reasonable time as may be fixed by this Court.

For Petitioner	:Mr.V.M.Jagadeesha Pandian
For Respondents 1 and 2	: Mr.V.R.Shamuganathan, Special Government Pleader
For 3 rd Respondent	: M/s.C.K.Seetha

O R D E R

The writ petition has been filed seeking for a direction upon the third respondent to refix the rent amount for residential purpose, as per the G.O.(Ms)No.456 dated 09.11.2007, based on the petitioner's representation dated 09.11.2017.

2.The petitioner is a tenant under the third respondent in respect of vacant site. He was originally charged with Rs.400/- (Rupees Four Hundred only) as land rent, which he was not paying. The Government vide G.O.Ms.No.456 Tamil Development, Endowment and



Information Department dated 09.11.2007, deferred the implementation of the fair rent and sent the matter to Fair Rent Fixation Committee. As per the recommendation, fair rent was directed to be fixed. Taking into account the market value of the land in 2001 and to increase the rent by 15% from 01.07.2004 for 3 years, and periodically increase of 15% for every three years, so that a quietus will be given to all litigants with regard to the rent. Thereafter, the third respondent in proceedings in Na.Ka.No.175/2016 dated 03.11.2017, issued a notice demanding the fair rent. The grievance of the petitioner is that his representation has not been considered in the light of G.O.Ms.No.456, dated 09.11.2007.

3.The petitioner has been paying the admitted old rent and sought for reclassification of the vacant site as a residential one. Whereas, the respondent has continued to consider the land as 'commercial' and imposed fair rent of Rs.3,430/- per month. The last such representation was made by the petitioner on 04.12.2019. Aggrieved over non consideration of the request, the petitioner is before this Court.

4.Considering the limited prayer and the Government order in G.O.Ms.No.456 dated 09.11.2007, a direction is issued to the respondents to dispose of the petitioner's representation dated 04.02.2019, in the light of the extent of G.O.Ms.No.456 dated 09.11.2007, within a period of four weeks from the date of receipt of a copy of this order.

5.With the above direction, this writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

mrn
To

1.The Commissioner,
Hindu Religious & Charitable Endowment Department,
Nungambakam High Road,
Chennai - 34.

2.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Palayamkottai
Tirunelveli- 2.

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



3.The Executive Officer,
A/m Kailasanathar Temple,
Tirunelveli Junction,
Tirunelveli - 1.

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+1 CC to M/s.SPL GP (SR-101114[F] dated 25/11/2019)

ORDER MADE IN
W.P. (MD) No.10533 of 2019
21.11.2019

MRN
TK/SAR./06.01.2020/3P/5C