



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2019

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THE HONOURABLE **MR.JUSTICE M.GOVINDARAJ**

W.P. (MD) No.8340 of 2018

and

W.M.P. (MD) Nos.7896 & 7897 of 2018

A.V.Marimuthu

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Board,
119, Uthamar Gandhi Salai, Nungambakkam,
Chennai-34.

2.The Deputy Commissioner,
Hindu Religious and Charitable Endowment Board,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-34.

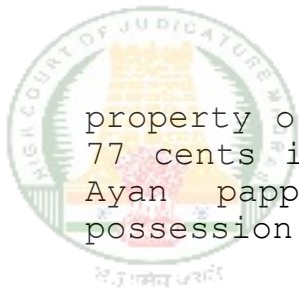
3.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Ellis Nagar, Madurai City.

4.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Ellis Nagar, Madurai City.

5.The Executive Officer,
Arulmigu Kalyana Sundareswarar Temple,
Avaniyapuram, Madurai South Taluk,
Madurai-625 016.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned fair rent proceedings issued by the fifth respondent dated 01.06.2016 and served the same to the petitioner through notice dated 18.05.2017 of the fifth respondent and the impugned notice issued by the third respondent under Section 78(2) of the Hindu Religious and Charitable Endowment Act dated 17.01.2018 in Miscellaneous petition No.01/2018 and quash the same and consequently direct the respondents herein to fix a reasonable fair rent by considering the nature, usage and location of the



property of the vacant site bearing Survey No.10/11 of an extent of 77 cents including the shed to an extent of 800 sq.ft. situate at Ayan pappakudi, Madurai South Taluk, Madurai District under possession of the petitioner belongs to the fifth respondent.

For Petitioner : Mr.A.Saravanan
For R5 : Mr.S.Manohar
For R1 to R4 :Mr.VR.Shanmuganathan,
Special Government Pleader

ORDER

This writ petition has been filed to quash the impugned fair rent proceedings issued by the fifth respondent, dated 01.06.2016 and served the same to the petitioner through notice, dated 18.05.2017 of the fifth respondent and the impugned notice issued by the third respondent under Section 78(2) of the Hindu Religious and Charitable Endowment Act, dated 17.01.2018 in miscellaneous petition No.01/2018 and to direct the respondents herein to fix a reasonable fair rent.

2.After some arguments, the learned counsel submitted that the petitioner is willing to hand over the vacant possession of the property in question, within a period of three months from today, i.e., 13.11.2019 and also filed an undertaking affidavit.

3.Considering the above submissions and also considering the age and avocation of the petitioner, a direction is given to the respondents not to insist the petitioner to pay arrears of rent.

4.The undertaking affidavit filed by the petitioner, dated 13.11.2019 is taken on file and shall form part of this order. If any default, the respondents are entitled to recover the arrears of rent.

5.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar (CS)

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To

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Madurai-625 016.

+1 CC to M/s.A.SARAVANAN, Advocate (SR-98114[F] dated 14/11/2019)

+1 CC to M/s.GP (SR-98414[F] dated 14/11/2019)

+1 CC to M/s.S.MANO HAR, Advocate (SR-98351[F] dated 14/11/2019)

W.P. (MD) No.8340 of 2018
13.11.2019

KK/SAR/12.12.2019/3P-9C/