



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2019

CORAM:

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

W.P. (MD)No.21920 of 2019

and

W.M.P. (MD)No.18683 of 2019

S.Madhavan : Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Board,
Chennai.

2.The Assistant Commissioner/Executive Officer,
Arulmighu Jambukeswarar Ahilandeswari Thirukkivil,
Thiruvanaikaval,
Trichy-5. : Respondents

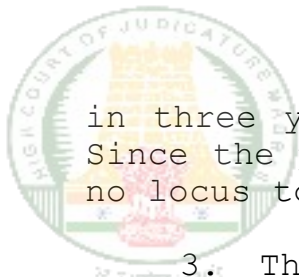
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned orders issued by the second respondent in his proceedings in Se.Mu.350/1427/A7/(69), dated 20.04.2018 and Se.Mu.350/1427/A7/(69), dated 29.07.2019 and quash the same.

For Petitioner	: Mr.B.Jameeal Arasu
For Respondent No.1	: Mr.VR.Shanmuganathan, Special Government Pleader
For Respondent No.2	: Mr.Anwar Sameem, For Mr.T.Antony Arul Raj

ORDER

The petitioner has challenged the enhancement of fair rent fixed by the Executive Officer of the Temple in his proceedings in Se.Mu.Na.Ka.No.350/1427/A7/(69), dated 20.04.2018 and Se.Mu.Na.Ka.No.350/1427/A7/(69), dated 29.07.2019.

2. The learned counsel appearing for the Temple would vehemently contend that the Fair Rent Committee has re-fixed the rent as Rs.4,450/- in proceedings in Se.Mu.Na.Ka.No.350/1427/A7/(69), dated 20.04.2018. The petitioner has not challenged the same. The rent now fixed is only as per the terms and conditions of the order passed on 20.04.2018 that there will be 15% enhancement once



in three years. Accordingly, Rs.5,118/- is fixed as enhanced rent. Since the petitioner has acquiesced with the original order, he has no locus to challenge the consequential order.

3. The learned counsel appearing for the petitioner would submit that the petitioner is contemplating to file an appeal against the original order passed on 20.04.2018 and he undertakes to avail the alternative remedy and thereafter, approach this Court.

4. Considering the facts and circumstances of the case, the petitioner is directed to file an appeal before the appellate authority, within a period of two weeks from the date of receipt of a copy of this order, failing which, he has to comply with the order dated 29.07.2019. It is also made clear that during the pendency of the appeal, without prejudice to his rights, he shall deposit the fair rent now fixed at the rate of Rs.5,118/- to the second respondent.

5. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

SML

To

1 THE COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT BOARD,
CHENNAI.

2 THE SECTION OFFICER,
E.R. SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI. (2 COPIES)

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-92847[F] dated 18/10/2019)

+1 CC to M/s.B,JAMEEL ARASU, Advocate (SR-93016[F] dated 18/10/2019)

Order made in
W.P. (MD)No.21920 of 2019
Dated: 17.10.2019

JM/30.10.2019/2P/6C