



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P (MD) No.24121 of 2019

and

WMP (MD) Nos.20713 & 20714 of 2019

R.Pandurengan

... Petitioner

Vs.

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

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the impugned orders of the respondent dated 23.06.2018, 14.03.2019 ad 13.09.2019 and quash the same as illegal and consequently directing the respondent to re-fix the fair rent in accordance with the Law.

For Petitioner : Mr.R.Aravindraaj

For Respondent : Mr.M.Saravanan

ORDER

This writ petition has been filed challenging the impugned orders of the respondent with respect to enhancement of ground rent and consequently direct the respondent to re-fix the fair rent in accordance with the Law.

2.This Court, in similar issue, passed order in WP(MD) Nos.8949 to 9047 of 2019, on 15.04.2019, which reads as under:

"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 (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



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. "

3.The learned counsel appearing for the respondent produced a copy of the communication dated 04.02.2019 sent by the respondent herein to the Secretary, Tourism, Culture & Religious Endowments Dept., Chennai, wherein it is stated that the petitioner herein had already paid the entire arrears of rent, in respect of the property in question. Hence, the demand made by the respondents does not survive.

4.Considering the fact that the petitioner had already paid the entire arrears of rent all the previous proceedings with respect to the present issue stand abated. The writ petition is closed accordingly. No costs. Consequently, WMP(MD)Nos.20713 & 20714 of 2019 are closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar(CS)

mj

+1 CC to M/s.M.SARAVANAN, Advocate (SR-98775[F] dated 15/11/2019)

+1 CC to M/s.R.ARAVINDRAJ, Advocate (SR-99054[F] dated 18/11/2019)

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