



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:06.12.2019

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

WEB COPY

W.P(MD)Nos.25993, 25998, 26001, 26002, 26012 and 26006 of 2019

and

W.M.P(MD)Nos.22508, 22505, 22511, 22517, 22506, 22500 of 2019

S.John Baskar, S/o.Soosai Manickam

... Petitioner in W.P(MD)No.25993 of 2019

V.Kannappan, S/o.Vellaisamy

... Petitioner in W.P(MD)No.25998 of 2019

S.Saraswathi @ Saraswathiammal, W/o.Seenivasan

... Petitioner in W.P(MD)No.26001 of 2019

M.Saravanan, S/o.Manickam

... Petitioner in W.P(MD)No.26002 of 2019

K.Periya Nayaki, W/o.Kaleeswaran

... Petitioner in W.P(MD)No.26012 of 2019

M.Arokia Sebastian, S/o.Michael Raj

... Petitioner in W.P(MD)No.26006 of 2019

Vs.

1.The Hindu Religious and Charitable Endowments Board,
Rep. By its Chairman,
Chennai.

2.The Joint Commissioner,
O/o.The Joint Commissioner,
Department of HR & CE,
Sivagangai District.

3.The Executive Officer/Thakkar,
Arulmigu Anna Chatiram,
Kalaiyar Kovil Block,
Sivagangai District. ... Respondents in all Writ Petitions

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings in Na.Ka.No.2254/2019/A3 dated 21.11.2019 and 26.11.2019 issued by the respondents 2 and 3 respectively and quash the same as illegal.



For Petitioner : Mr.G.Prabhu Rajadurai
For R-1 & R-2 : Mr.V.R.Shanmuganathan,
Special Government Pleader
For R-3 : Mr.P.Mahendran

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COMMON ORDER

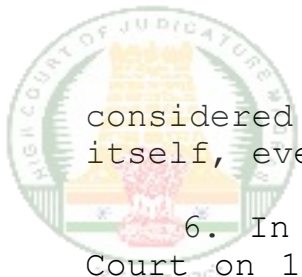
Mr.V.R.Shanmuganathan, learned Special Government Pleader takes notice for the respondents 1 and 2 and Mr.P.Mahendran, learned standing counsel takes notice for the third respondent.

2. By consent, the writ petitions are taken up for disposal at the admission stage itself.

3. The writ petitions have been filed by the petitioners praying for issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings in Na.Ka.No.2254/2019/A3 dated 21.11.2019 and 26.11.2019 issued by the respondents 2 and 3 and quash the same as illegal.

4. The petitioners herein are tenants occupying the premises belonging to the Arulmigu Vettudaiyar Kaliasman Thirukovil, Ariyakurichi, Kollangudi, Kalaiyar Kovil Block, Sivagangai District. This is the second round of litigation challenging the rent fixed by the temple. In fact, in the earlier round of litigation in W.P(MD) Nos.24093 to 24101 of 2019, the petitioners were directed to pay average rent as an interim measure and thereafter, final order was passed on 13.02.2019 remitting the matter back to the authorities concerned specifically directing that the rent payable by the writ petitioners may be fixed by following the procedure laid down in the decision of a Division Bench of this Court in the case of **Arulmigu Adimanaiveal House Owners Association vs. the State of Tamilnadu and another** reported in **2009(6) CTC 512** and the said exercise has to be completed within a period of two months. It is now stated that pursuant to the said direction, the present impugned order has been issued.

5. Before proceeding further, it is relevant to advert to the directions given by the Honourable Division Bench in the above quoted decision. The Honourable Division Bench has considered the guidelines issued in this regard to be followed by the authorities before fixing the rent and that these guidelines have to be very strictly followed. As per the guidelines, the Fair Rent Committee has to fix the rent and also attaching the work sheet for arriving at such rent to all the tenants. If the tenants have got any objections with respect to the work sheet, which indicates the rent fixed based on the area of the land/building value whether residential or commercial etc., they have to sent their objections or consent, within a week. The said objections have to be



considered by the Committee, based on the written representations itself, even if the objectors are not appearing in person.

6. In the present case, after the matter was remanded by this Court on 13.02.2019, the rent has been fixed by the Committee and communicated to the petitioners vide impugned order dated 26.11.2019. Prior to that, on 21.11.2019, in proceedings in Na.Ka.No.2254/2019/A3 dated 21.11.2019, the Joint Commissioner has sent a communication to the Executive Officer of the third respondent temple attaching the work sheet as per which the rent has to be fixed.

7. Having sent the work sheet, the authorities ought to have received objections from the tenants and thereafter fix the rent. However, without hearing the objections of the tenants with respect to the value of the land or the building, the rent has been fixed, which is now assailed in these writ petitions.

8. The learned counsel appearing for the third respondent also fairly conceded that no oral hearing was given to the petitioners and no written objections were received from them.

9. Be that as it may, treating the said impugned notice dated 26.11.2019 and also the work sheet attached thereunder as compliance of Guideline No.1, the petitioners are directed to submit their objections or consent for the rent fixed by the authorities with reference to the prevailing market value etc., by sending their objections to the third respondent along with supporting evidence for the same. Thereafter, the Committee is directed to consider the objections and fix the fair rent and intimate the same to the petitioners/tenants. As the said opportunity of hearing has not been given in this case, which is complained as violation of principles of natural justice, the above direction is given without setting aside the impugned notice. The authorities are directed to proceed with the impugned notice by giving one week notice from 09.12.2019 and thereafter, consider and fix the fair rent and intimate the same to the tenants concerned. Such exercise also should be completed within a period of four weeks thereafter.

With the above direction, the writ petitions are disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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



To:

1.The Chairman,
Hindu Religious and Charitable Endowments Board,
Chennai.

2.The Joint Commissioner,
O/o.The Joint Commissioner,
Department of HR & CE, Sivagangai District.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-103890[F] dated
06/12/2019)

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-104004[F] dated 09/12/2019)

+1 CC to M/s.SPL GP (SR-103995[F] dated 09/12/2019)

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SE (CO)

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