



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)Nos.552, 569, 566, 562, 602, 564, 570 and 599 of 2020

and

W.M.P(MD)Nos.416, 423, 424, 425, 429, 430, 440 and 441 of 2020

P. Palanisamy ... Petitioner in WP(MD).No.552 of 2020
K.Samuthravelu ... Petitioner in WP(MD).No.569 of 2020
S. Ganesan ... Petitioner in WP(MD).No.566 of 2020
S. Gopalakrishnan ... Petitioner in WP(MD).No.562 of 2020
M.Mariappan ... Petitioner in WP(MD).No.602 of 2020
P.Mariappan ... Petitioner in WP(MD).No.564 of 2020
M.Rajendran ... Petitioner in WP(MD).No.570 of 2020
K.Samuthravelu ... Petitioner in WP(MD).No.599 of 2020

- Vs. -

1. The Commissioner,
Hindu Religious and Charitable Endowments Dept.,
Chennai-34

2. The Joint Commissioner, Hindu Religious and Charitable
Endowments Dept., O/o. the Joint Commissioner, Tirunelveli
District.

3. The Executive Officer,
Mandai Vinayagar Temple,
Vasudevanallur, Sivagiri Taluk,
Tirunelveli District-627758 ... Respondents in All Cases

Common Prayer in WP(MD).Nos.552, 569, 566, 562, 602, 564, 570, and
599 of 2020 :

Writ Petitions are filed under Article 226 of the
Constitution of India, praying this Court Calling for the records
relating to the impugned order dated 12.12.2019 passed by the 1st
respondent in R.C.Nos.21616, 21621, 21618, 21619, 21620, 21622,
23515 and 21617 of 2019 respectively and quash the same and



consequently direct the 1st respondent to entertain the appeal to its file and dispose of the same on merits

(In all cases)

For Petitioner : Mr.K.Srinivasan
Senior Counsel for
Mr.M.P.Senthil
For R-1 & R-2 : Mr.V.R.Shanmuganathan,
Special Government Pleader
For R-3 : Mr.S.Manohar

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COMMON ORDER

Mr.V.R.Shanmuganathan, learned Special Government Pleader takes notice for the respondents 1 and 2 and Mr.S.Manohar, learned 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 petitioners are tenants under the third respondent. The relief sought for in these writ petitions is that there is a delay of 21 days in filing appeal petition under Section 34(A)(3) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (in short ' the Act') against the notice dated 14.02.2019 issued by the third respondent temple informing the fair rent under Section 34(A) of the Act. The said appeal petitions in R.C.Nos.21616 to 21622 and 23515 of 2019 were dismissed by the impugned orders dated 12.12.2019 citing the order of the Honourable Supreme Court.

4. The third respondent has issued the notice dated 14.02.2019 fixing the revised rent as fixed by the Rent Fixation Committee at Rs.4700/- per month. The said notice is challenged before the first respondent with a delay of 21 days. The challenge in the appeals is prima facie on the ground that the demand is retrospective ie., from 01.07.2016 to 30.06.2019.

5. It is argued by the learned senior counsel for the petitioners that the retrospective collection is illegal.

6. In view of the above, without going into the merits of the case, as all the petitioners are continuing to occupy the premises, they agree to pay the rent fixed by the Rent Fixation Committee ie., Rs.4700/- per month, without prejudice to their rights in the appeal by depositing the arrears from 14.02.2019 and continue to pay the revised rent in future. On payment of the arrears of rent by the petitioners, the delay be condoned and the appeals be taken up by the first respondent and dispose of the



same, within a period of three months thereafter.

7. The petitioners are also given six weeks time to deposit the arrears of rent. In the event of their success in the appeal, it is open to the petitioners to adjust excess amount paid in the future rent payable.

The writ petitions are disposed of with the above direction. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

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Sub Assistant Registrar(CS)

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To:

1.The Commissioner,
Hindu Religious and Charitable Endowments
Department,
Chennai - 34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Dept.
Office of the Joint Commissioner,
Tirunelveli District.

+8 CC to M/s.M.P.SENTHIL, Advocate (SR-1329 to 1336)

+1 CC to M/s.S.MANO HAR, Advocate (SR-1585)

+1 CC to M/s.SPL.GP (SR-1925)

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599 of 2020
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NS (CO)

TR(30.01.2020) 3P 13C