



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD) .Nos.7732, 7734, 7735, 7736, 7737, 7738, 7740 and
7742 of 2020

and

W.M.P (MD) .Nos. 7217, 7218, 7220, 7221, 7223, 7224, 7225, 7228 and
7234 of 2020

P.Palanisamy	... Petitioner in WP(MD) . 7732 of 2020
K.Samuthravelu	... Petitioner in WP(MD) . 7734 of 2020
S.Gopalakrishnan	... Petitioner in WP(MD) . 7735 of 2020
K.Samuthravelu	... Petitioner in WP(MD) . 7736 of 2020
M.Rajendran	... Petitioner in WP(MD) . 7737 of 2020
P.Mariappan	... Petitioner in WP(MD) . 7738 of 2020
S.Ganesan	... Petitioner in WP(MD) . 7740 of 2020
M.Mariappan	... Petitioner in WP(MD) . 7742 of 2020

Vs.

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

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

3.The Executive Officer
Mandai Vinayagar Temple
Vasudevanallur, Sivagiri Taluk
Tirunelveli District 627 758

....Respondents in all WPs

COMMON PRAYER: The Writ petitions have been filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the third respondent dated 29.02.2020 and quash the same as illegal.



In all the writ petitions:

For Petitioners : Mr.M.P.Senthil
For R1 & R2 : Mr.V.R.Shanmuganathan
Special Government Pleader

For R3 : Mr.M.B.Gunaseelaruban

COMMON ORDER

Heard the learned counsel on either side.

2.The petitioners' contention is that their challenge to enhancement of rent in respect of the previous years is still pending adjudication before the first respondent. When the proceedings have not attained finality, the third respondent has chosen to unilaterally revise the rent for the years commencing from 2019 to 2022.

3.The learned Special Government Pleader as well as the learned Standing Counsel for the third respondent temple would contend that what is still under adjudication is only the revision of rent for the period from 2016 to 2019 and that what has now been revised is only for the period from 2019-2022. They would also contend that the revisional exercise has not been arbitrary. In fact, the rent fixation committee went into the issue. Only on that basis, the impugned decision was taken. Even though the contention urged by the learned Special Government Pleader and the learned Standing Counsel appear to be persuasive, I am of the view that the same can be left open.

4.I am of the view that the impugned decision can be put on hold till the pending matters are finalized by the first respondent. At the same time, the petitioners cannot be allowed to take advantage by indefinitely dragging on the matter. Therefore, interest of justice will be better served by directing the first respondent to take a final call in respect of the pending matters within a period of two months from the date of receipt of copy of this order. The petitioners cannot cite the prevailing situation to seek adjournments. The first respondent will fix the date of hearing for the appeal cases. The petitioners will have to take part in the appeal cases either by appearing in person or through video-conferencing facilities. It is the Commissioner who will decide on the mode of hearing. The first respondent will see to it that the vide-conferencing facilities are properly made. I make it clear that the contention advanced by the petitioners' counsel are left open. If the pending matters go against the writ petitioners, then, obviously the impugned orders can be given effect to. Of course, the petitioners can definitely revive their



challenge. I have only stated that the impugned order will be put on hold and kept in abeyance till the pending appeals are disposed of by the first respondent/the Commissioner. Till then, the petitioners will have to continue to pay as earlier directed by this Court.

5.The writ petitions are disposed of on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Commissioner

Hindu Religious and Charitable Endowments Department
Chennai -34

2.The Joint Commissioner

Hindu Religious and Charitable Endowments Department
Office of the Joint Commissioner
Tirunelveli District

3.The Executive Officer, Mandai Vinayagar Temple

Vasudevanallur, Sivagiri Taluk
Tirunelveli District 627 758

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-13165[F] dated
20/07/2020)

ORDER MADE IN

W.P. (MD) .Nos.7732, 7734, 7735, 7736, 7737,
7738, 7740 and 7742 of 2020 and

W.M.P(MD) .Nos. 7217, 7218, 7220, 7221, 7223, 7224, 7225, 7228 and
7234 of 2020

20.07.2020

AL(CO)

TP(29-07-2020)3P 5C
<https://hcservices.ecourts.gov.in/hcservices/>