



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:30.01.2020

CORAM:

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)Nos.3292 to 3301 of 2018 & 107 of 2020

and

W.M.P. (MD) Nos.3434 to 3443 of 2018 & 62 of 2020

Lakshmi Srinivasan	... Petitioner in WP(MD).3292 of 2018
K.Soundararajan	... Petitioner in WP(MD).3293 of 2018
Ramadoss	... Petitioner in WP(MD).3294 of 2018
M.Ramalingam	... Petitioner in WP(MD).3295 of 2018
P.Nagarajan	... Petitioner in WP(MD).3296 of 2018
K.R.Saravanan	... Petitioner in WP(MD).3297 of 2018
Valmurugan	... Petitioner in WP(MD).3298 of 2018
C.Shanmuganathan	... Petitioner in WP(MD).3299 of 2018
P.Kesavan	... Petitioner in WP(MD).3300 of 2018
J.Saleem Basha	... Petitioner in WP(MD).3301 of 2018
Moorthy	... Petitioner in WP(MD).107 of 2020

Vs.

The Joint Commissioner/ Executive Officer,
Arulmigu Meenakshi Sundareswarar Temple,
Madurai.

... Respondent
in all WPs

PRAYER in W.P(MD)Nos.3292 to 3301 of 2018: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the respondent dated 30/12/2017 in proceedings Na.Ka.No.2925/2017/E2 quash the same as the same is arbitrary, ultravires, in violation of principles of natural justice audi alteram partem and consequently direct the respondent to demand rent on consonance with G.O.M.S.No.456 Tamil Development Hindu Religious and Charitable Endowment News dated 9/11/2007 in respect of Shop No.115 Melachitrai street, Madurai-1, Shop No.135, East Masi Street, Madurai, Shop No.346, Usilai Road, Madurai-1, Shop No.139, Swami Sannathi Street, Madurai -1, Shop No.151B, East Masi Street, Madurai - 1, Shop No.146, East Masi Street, Madurai -1, Shop No.140, Swami Sannathi Street, Madurai - 1, Shop No.149, East Masi Street, Madurai - 1, Shop No.152, East Masi Street, Madurai - 1, Shop No.159A, South Masi Street, Madurai - 1.



Prayer in WP(MD). 107 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus to Call for the records of the respondent dated 24.08.2019 in proceedings Na.Ka.No.1678/2019/E2-19 quash the same as the same is arbitrary, ultravires, in violation of principles of natural justice, audi alteram partem and consequently direct the respondent to demand rent in consonance with G.O.M.S.No.456 Tamil Development, Hindu Religious and Charitable Endowment News dated 09/11/2007 in respect of Shop No.346, Usilai Rd, Thirumangalam, Madurai

For Petitioner : Mr.R.G.Shankar Ganesh

For Respondent : Mr.VR.Shanmuganathan,
Special Government Pleader

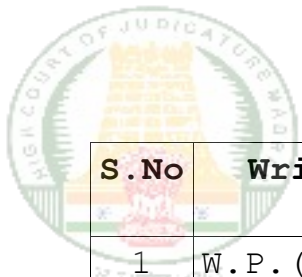
C O M M O N O R D E R

Since the issue involved in all these writ petitions are one and the same, they are disposed of by this common order.

2. In all these writ petitions, the petitioners are tenants in occupation of the shops belonging to the respondent Temple. There were several government orders passed with regard to the enhancement of rent for these tenants. As per G.O.Ms.No.456 Tamil Development Hindu Religious and Charitable Endowment News, dated 09.11.2007, 15% rent was enhanced once in three years. While so, the petitioners were served with the impugned orders issued by the Joint Commissioner/ Executive Officer enhancing the rent and also demanding the payment of the same from 01.07.2016.

3. The grievance of the petitioners is that for fixing the above said fair rent, the proposal stipulated under the Statute has not been followed, including notice to enquiry. The contention raised by the petitioners is that, the rent has been fixed taking into consideration the market value in the year 2017. There was no opportunity given to the petitioners to file their objections with respect to enhancement of the rent to 300% in some of the places.

4. The learned Special Government Pleader appearing on behalf of the respondent Temple contended that the petitioners were served only with notice on enhancement of rent and were not served any notice calling upon to file their objections before refixing the rent. The details of the existing rent, enhanced rent and also the arrears of rent payable by the petitioners are as follows:-

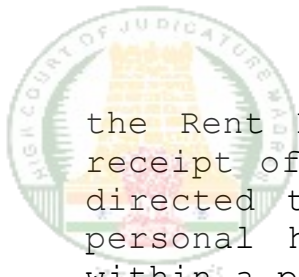


S.No	Writ Petition No.	Old Rent	Revised Rent	Arrears
1	W.P. (MD) No.3292/2018	Rs.6,000/-	Rs.25,200/-	Paid entire amount
2	W.P. (MD) No.3293/2018	Rs.2,715/-	Rs.7,100/-	Rs.2,07,500/- (50% of arrears amount)
3	W.P. (MD) No.3294/2018	Rs.1,680/-	Rs.12,200/-	Rs.4,82,600/-
4	W.P. (MD) No.107/2020			
5	W.P. (MD) No.3295/2018	Rs.790/-	Rs.2,500/-	Rs.20,055/-
6	W.P. (MD) No.3296/2018	Rs.3,450	Rs.9,800/-	Rs.2,93,230/-
7	W.P. (MD) No.3297/2018	Rs.4,750/-	Rs.12,300/-	Rs.3,46,150/-
8	W.P. (MD) No.3298/2018	Rs.790/-	Rs.2,500/-	Rs.23,490/-
9	W.P. (MD) No.3299/2018	Rs.725/-	Rs.4,300/-	Rs.59,815/-
10	W.P. (MD) No.3300/2018	Rs.5175/-	Rs.12,800/-	Rs.32,000/-
11	W.P. (MD) No.3301/2018	Rs.20,990/-	Rs.84,000/-	Appeal before Commissioner

In similar cases, the petitioners have accepted the enhanced rent and have paid the entire amount without any arrears and in some cases, they continue to pay the refixed rent and in another case, an appeal has been preferred before the Commissioner against the re-fixation of the rent.

5. Be that as it may, as the grievance of the petitioners is that, before fixing the rent by the Rent Re-fixation Committee, as per section 34(A), notice ought to have been issued to them. As per Section 34(A) of Tamil Nadu Hindu Religious and Charitable Endowments Act, the Rent Re-fixation Committee consisted of the Joint Commissioner/ Executive Officer, the Trustees or the Chairman of the Board of the Trustees of the registered Institution, Revenue District Officer of Registration Department and also the Executive Engineer of P.W.D. As the rent is now refixed and also has been accepted by few of the petitioners herein, without prejudice to the contentions raised in the writ petition, the Rent Re-fixation Committee is directed to reconsider the same.

6. As all the petitioners are before this Court and are also aware of the proceedings, there is no necessity for the Rent Re-fixation Committee to issue any separate notice. Those petitioners who are before this Court are directed to submit their objections, if any, with respect to the enhancement of the rent to



the Rent Re-fixation Committee within a week from today and on receipt of the said objections, the Rent Re-fixation Committee is directed to consider the same after affording an opportunity of personal hearing to each of the petitioners and fix the rent within a period of three weeks thereafter.

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7. The above liberty is granted to the petitioners on the following conditions:-

- (a) Those petitioners who have already paid the entire arrears and continues to pay the enhanced rent would continue to do so;
- (b) The other petitioners, whose rent has been enhanced, would pay 50% of the enhanced rent per month along with a deposit of 50% of the arrears of the enhanced amount;
- (c) By completion of the above exercise of refixing the rent and communicating the same to the petitioners, the respondent Temple is directed to file a report before this Court for the deposit of the arrears; and
- (d) The petitioners are granted three weeks time from today for depositing 50% of the arrears amount of rent.

8. With regard to W.P.(MD) No.107 of 2020 filed by the petitioner challenging the notice issued under Section 78(2) of Hindu Religious and Charitable Endowment Act, as the rights of the petitioner is already covered under W.P.(MD) No.3294 of 2018, no separate order is necessary. Therefore, the impugned notice will be kept in abeyance till the compliance of the above referred exercise is completed.

9. With the above directions, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed. Post the matter '*for reporting compliance*' on 27.02.2020.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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W.P(MD)Nos.3292 to 3301 of 2018 & 107 of 2020

To:

The Joint Commissioner/ Executive Officer,
Arulmigu Meenakshi Sundareswarar Temple, Madurai.

+1CC TO MR.R.G.SHANKAR GANESH, Advocate Sr. No. 4286

W.P(MD)Nos.3292 to 3301 of 2018 & 107 of 2020
and W.M.P.(MD) Nos.3434 to 3443 of 2018 & 62 of 2020

DB(CO)

TR(17.02.2020)5P 3C