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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.03.2020
CORAM:
THE HONOURABLE **MR.JUSTICE C.V.KARTHIKEYAN**
Writ Petition (MD).Nos.7495 to 7500 of 2018 & 7525 of 2018
and
W.M.P.(MD).Nos.7164 to 7169 and 7183 of 2018

T.P.Selvaraj ... Petitioner in WP(MD).7495/2018
K.Rooba ... Petitioner in WP(MD).7496/2018
A.Vairamani ... Petitioner in WP(MD).7497/2018
S.Muruganandam ... Petitioner in WP(MD).7498/2018
R.Premkumar ... Petitioner in WP(MD).7499/2018
P.Natarajan ... Petitioner in WP(MD).7500/2018
Mohammada Kani ... Petitioner in WP(MD).7525/2018

Vs.

1.The Commissioner,
H.R. & C.E. Department,
Chennai -34.

2.The Joint Commissioner,
H.R. & C.E. Department,
Niligiriyar Thoppu,
Nilligireeswararthoppu, Theppakula Theru,
Thiruvanaikovil,
Trichy District.

3.Arulmigu Madurai Kaliamman Thirukovil,
through its Executive Officer,
Thottiyam Taluk,
Trichy District. ... Respondents in WP(MD)Nos.7495 to 7500/2018

The Joint Commissioner / Executive Officer, Arulmigu Meenakshi Sundareswarar Temple, Madurai. ... Respondent in WP(MD)No.7525/2018

Common Prayer in WP(MD)Nos.7495 to 7500/2018: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the impugned notice, dated 01.03.2018 on the file of the third respondent and quash the same as illegal, incompetent and without jurisdiction and consequently direct the respondents to conduct proper enquiry in accordance with law under Section 34(A) of the H.R. & C.E. Act, 1959 and by affording adequate opportunity to the petitioner and thereafter fix the fair rent.

Prayer in WP(MD). 7525/ 2018 :

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Writ Petition is filed under Article 226 of the Constitution of India, praying this Court 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 consequentially direct the respondent to demand rent in 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. 145B3, East Masi Street, Madurai -1.

WP(MD)Nos.7495 to 7500/2018:

For Petitioner : Mr.H.Lakshmishankar
For R1 & R2 : Mr.V.R.Shanmuganathan
Special Government Pleader
For R3 : Mr.C.Guhaseelarupan
Standing counsel

WP(MD). 7525/ 2018

For Petitioner : M/S.R.G.Shankar Ganesh
For Respondent : M/S.V.R.Shanmuganathan

C O M M O N O R D E R

In W.P.(MD).Nos.1444 to 1453 of 2018 batch, Jeyashree vs. the Joint Commissioner / Executive Officer, Arulmigu Meenakshi Sundareswarar Temple, Madurai, by order dated 25.01.2018, this Court had ordered as follows:-

C O M M O N O R D E R

These writ petitions have been filed challenging the order of the respondent dated 30.12.2017, directing the petitioners to pay revised rent to their premises.

2.The main grievance of the petitioners is that without furnishing the order passed by the fair rent committee and the calculation memo and without giving an opportunity to the petitioners to raise their objections, the respondent straight away has passed the impugned order directing the petitioners to pay the revised rent.

3. Learned Special Government Pleader appearing for the respondent would fairly submit that while passing the impugned order, the respondent has not considered the objections of the petitioner petitioners.

4. In view of the above, the impugned order is directed to be treated as a show cause notice and the respondent is directed to give calculation memo to the petitioners and on receipt of the same, the petitioners are directed to submit their objections within one week from the date of receipt of the calculation memo. If any such objection is received, the respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, within a period of two weeks thereafter.

5. With the above direction, the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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2. The learned counsel for the petitioners and the learned counsel for the respondents stated that the same order can be passed with respect to the present writ petitions also. Accordingly, the impugned order is directed to be treated as a show cause notice and the respondent is directed to give calculation memo to the petitioners and on receipt of the same, the petitioners are directed to submit their objections within one week from the date of receipt of the calculation memo and if objections are received, the respondent is directed to consider the same and pass appropriate orders within a period of two weeks thereafter.

3. The Writ Petitions are disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

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/ /2020

Sub Assistant Registrar(CS)

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To

1.The Commissioner,
H.R. & C.E. Department,Chennai -34.

2.The Joint Commissioner,
H.R. & C.E. Department,
Niligiriyar Thoppu,
Nilligireeswararthoppu, Theppakula Theru,
Thiruvanaikovil,Trichy District.

3.Arulmigu Madurai Kaliamman Thirukovil,
through its Executive Officer,
Thottiyam Taluk,Trichy District.

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

+6 CC to M/s.H.LAKSHMI SHANKAR, Advocate (SR-10313[F]
+1 CC to M/s.C.GUHASEELARUPAN, Advocate (SR-10505[F]

W.P.(MD).Nos.7495 to 7500 of 2018 & 7525 of 2018
05.03.2020

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