



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.01.2020**

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.(MD)Nos.27258, 27260 to 27274 and 27277 of 2019

and

W.M.P. (MD) .Nos.23546 to 23553, 23555 to 23563 of 2019

D.Srinath	... Petitioner in WP (MD) . 27258/ 2019
G.Krishnan	... Petitioner in WP (MD) . 27260/ 2019
K.Sundaram Ammal	... Petitioner in WP (MD) . 27261/ 2019
M.Sugapriya	... Petitioner in WP (MD) . 27262/ 2019
K.Rathinam Chettiar	... Petitioner in WP (MD) . 27263/ 2019
V.Sakthi	... Petitioner in WP (MD) . 27264/ 2019
S.Ramprasath	... Petitioner in WP (MD) . 27265/ 2019
V.Sakthi	... Petitioner in WP (MD) . 27266/ 2019
S.Venkateswari	... Petitioner in WP (MD) . 27267/ 2019
P.Manikandan	... Petitioner in WP (MD) . 27268/ 2019
M.Sugapriya	... Petitioner in WP (MD) . 27269/ 2019
P.Ethiraj	... Petitioner in WP (MD) . 27270/ 2019
R.Kathiravan	... Petitioner in WP (MD) . 27271/ 2019
S.Muthukumaran	... Petitioner in WP (MD) . 27272/ 2019
R.Elango	... Petitioner in WP (MD) . 27273/ 2019
C.Thiraviyam	... Petitioner in WP (MD) . 27274/ 2019
V.Gopalakrishnan	... Petitioner in WP (MD) . 27277/ 2019

Vs

Thakkar
(The Executive Officer,
Arulmighu Dhandayuthapaniswamy Temple,
Madurai),
Arulmighu Puttu Urchava Vagaiyara Kattalai,

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



Arulmighu Sokkanathar Thirukovil,
Puttuthoppu, Madurai- 625 016

.. Respondent in all cases

Prayer in WP(MD) . 27258/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Call for the records of the impugned orders of the respondent dated 30.9.2019 and 6.11.2019 and quash the same as illegal and consequently directing the respondents to re-fix the fair rent in accordance with law

Prayer in WP(MD) . 27260/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Call for the records of the impugned orders of the respondent dated 13.09.2019 and 06.11.2019 and quash the same as illegal and consequently directing the respondents to re-fix the fair rent in accordance with law.

Prayer in WP(MD) . 27261/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Call for the records of the impugned orders of the respondent dated 30.9.2019 and 6.11.2019 and quash the same as illegal and consequently directing the respondents to re-fix the fair rent in accordance with law.

Prayer in WP(MD) . 27262/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Call for the records of the impugned orders of the respondent dated 23.06.2018, 31.12.2018 and 6.11.2019 and quash the same as illegal and consequently directing the respondents to re-fix the fair rent in accordance with law.

Prayer in WP(MD) . 27263/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Call for the records of the impugned orders of the respondent dated 30.9.2019 and 6.11.2019 and quash the same as illegal and consequently directing the respondents to re-fix the fair rent in accordance with law.

Prayer in WP(MD) . 27264/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Call for the records of the impugned orders of the respondent dated 30.09.2019 and 06.11.2019 and quash the same as illegal and consequently directing



the respondents to re-fix the fair rent in accordance with law.

Prayer in WP(MD) . 27265/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Call for the records of the impugned orders of the respondent dated 30.9.2019 and 6.11.2019 and quash the same as illegal and consequently directing the respondents to re-fix the fair rent in accordance with law.

Prayer in WP(MD) . 27266/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Call for the records of the impugned orders of the respondent dated 30.9.2019 and 6.11.2019 and quash the same as illegal and consequently directing the respondents to re-fix the fair rent in accordance with law.

Prayer in WP(MD) . 27267/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Call for the records of the impugned orders of the respondent dated 13.09.2019 and 06.11.2019 and quash the same as illegal and consequently directing the respondents to re-fix the fair rent in accordance with law.

Prayer in WP(MD) . 27268/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Call for the records of the impugned orders of the respondent dated 23.06.2018, 30.09.2019 and 6.11.2019 and quash the same as illegal and consequently directing the respondents to re-fix the fair rent in accordance with law.

Prayer in WP(MD) . 27269/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Call for the records of the impugned orders of the respondent dated 23.06.2018, 31.12.2018 and 06.11.2019 and quash the same as illegal and consequently directing the respondents to re-fix the fair rent in accordance with law.

Prayer in WP(MD) . 27270/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Call for the records of the impugned orders of the respondent dated 30.9.2019 and 6.11.2019 and quash the same as illegal and consequently directing the



respondents to re-fix the fair rent in accordance with law.

Prayer in WP(MD) . 27271/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Call for the records of the impugned orders of the respondent dated 30.09.2019 and 6.11.2019 and quash the same as illegal and consequently directing the respondents to re-fix the fair rent in accordance with law.

Prayer in WP(MD) . 27272/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Call for the records of the impugned orders of the respondent dated 30.9.2019 and 6.11.2019 and quash the same as illegal and consequently directng the respondents to re-fix the fair rent in accordance with law.

Prayer in WP(MD) . 27273/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Call for the records of the impugned orders of the respondent dated 30.09.2019 and 06.11.2019 and quash the same as illegal and consequently directing the respondents to re-fix the fair rent in accordance with law.

Prayer in WP(MD) . 27274/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Call for the records of the impugned orders of the respondent dated 30.9.2019 and 6.11.2019 and quash the same as illegal and consequently directng the respondents to re-fix the fair rent in accordance with law.

Prayer in WP(MD) . 27277/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Call for the records of the impugned orders of the respondent dated 13.9.2019 and 6.11.2019 and quash the same as illegal and consequently directng the respondents to re-fix the fair rent in accordance with law.

For Petitioner	:Mr.M.Kannan (in all cases)
For Respondent	:Mr.M.Saravanan (in all cases)



COMMON ORDER

Heard Mr.M.Kannan, learned counsel appearing for the petitioners and Mr.M.Saravanan, learned counsel appearing for the respondent.

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

3. The writ petitioners herein have been paying ground rent to the respondent institution. The ground rent has been revised and enhanced by the impugned orders. The enhancement has been made with effect from 01.07.2016.

4. The petitioners' counsel contends that the procedure laid down in the Tamil Nadu Hindu Religious and Charitable Endowments Act 1959 has not been followed and that is why the petitioners have directly approached this Court without availing the alternative remedy.

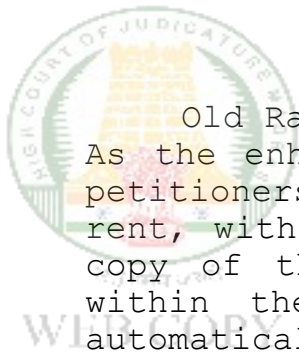
5. The learned counsel appearing for the respondent opposed the writ petitions and wanted this Court to dismiss the same by sustaining the orders impugned in these writ petitions.

6. I carefully considered the rival contentions.

7. The Hon'ble Division Bench in the decision in the decision reported in **(2009) 3 L.W 728 (Arulmighu Angala Parameswari and Kasivishwanathaswami Temple Adimanaiveal House Owners Asso. v. The State of Tamil Nadu & others)** had laid down the procedure to be followed for revising the lease rent in terms of Section 34(A)(2) of the Act. Paragraph Nos.15,16 and 17 of the said decisions are particularly relevant. It is seen that the procedure indicated in the aforesaid decision has not been followed in the present case. Therefore, on that sole ground, the orders impugned in these writ petitions should be quashed.

8. The matter is remitted to the file of the competent authority constituted under Section 34(A)(2) of the Tamil Nadu Hindu Religious and Charitable Endowments Act. The said authority will pass orders in accordance with law, after putting the petitioners on notice. It is made clear that the respondent would complete the exercise of revising and refixing the rent payable by the petitioners herein within a period of six months from the date of receipt of a copy of this order.

9. The petitioners are occupying the property belonging to the religious institution. The learned counsel appearing for the petitioners on instructions submitted that the petitioners would continue to pay the rents in the following manner:-



Old Rate + 50% of the enhanced rent.

As the enhancement has been made with effect from 01.07.2016, the petitioners also directed to pay 25% of the arrears of the enhanced rent, within a period of eight weeks from the date of receipt of a copy of this order. If the petitioners fail to pay the arrears within the aforesaid period, the order now passed will stand automatically recalled and the writ petitions would stand dismissed.

10.The learned counsel appearing for the petitioners on instructions further specifically undertook not to apply for any extension of time or modification of the order now passed. The said undertaking is also recorded. It is made clear that the rights of both the parties are left open. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar(CS)

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To:

Thakkar

(The Executive Officer, Arulmighu
Dhandayuthapaniswamy Temple, Madurai)
Arulmighu Puttu Urchava Vagaiyara Kattalai
Arulmighu Sokkanathar Thirukovil,
Puttuthoppu, Madurai-625 016.

+2cc to Mr.M.Saravanan, Advocate, SR No.69

+1cc to Mr.M.Kannan, Advocate, SR No.128

W.P(MD)Nos.27258, 27260 to 27274 and 27277 of 2019
and

W.M.P. (MD) .Nos.23546 to 23553, 23555 to 23563 of 2019
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