



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.NO.10286 OF 2021

&

W.M.P.NO.10883 OF 2021

M.Srinivasan

... Petitioner

.Vs.

1. The Commissioner,
Hindu Religious & Charitable
Endowments Department,
No.119, Uthamar Gandhi Salai,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious & Charitable
Endowments Department,
No.119, Uthamar Gandhi Salai,
Chennai - 600 034.
3. The Board of Trustees,
Sri Kadubadi Chinnamman Thirukoil,
Jayarama Chetty Street,
Saidapet,
Chennai - 600 015.

... Respondents

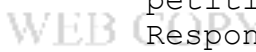
PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the demand notice dt.29.03.2021, issued by the 3rd Respondent, at the behest of the 2nd Respondent.

For Petitioner : Mr.K.Sharath Chandran

For Respondent : Mr.NRR.Arun Natrajan
R1 & R2 Government Advocate

For R3 : Mr.Abdul Majeed
Representing Ms.G.Sumitra



ORDER



computing and deciding the lease rent qua demised shop. This methodology and mechanism is adumbrated in Section 34-A of TN HR & CE Act which kicked in on and from 10.05.2003. Learned counsel for writ petitioner advertent to M.Gurusamy Nadar's case [M.Gurusamy Nadar Vs. Commissioner, Hindu Religious and Charitable Endowment Department] being an order made by this Court and reported in 2018 (3) MWN (Civil) 167 and more particularly paragraph 17 thereof submits that lease rent cannot be fixed prior to 10.05.2003.

6. Be that as it may, learned counsel for writ petitioner also submits that writ petitioner has been depositing rent qua demised shop at the rate of Rs.3000/- per month on and from 18.03.2021 and this Court is informed that deposit is in the bank account of said temple. Learned counsel for third respondent submits that this requires to be verified as he does not have instructions readily on hand on the same. However, it is not necessary to go into this aspect as learned counsel for writ petitioner, on instructions, very fairly submits that writ petitioner will pay rent for demised shop at the rate of Rs.3000/- per month (pay to said temple) on and from 18.03.2021 after adjustments qua payments said to have been already deposited. Obviously, lease rent has to be fixed for demised shop in accordance with Section 34-A of TN HR & CE Act. The respondents and all others concerned will do well to commence and conclude the exercise of fixation of lease rent qua demised shop in accordance with Section 34-A of TN HR & CE Act keeping in mind M.Gurusamy Nadar's case, as expeditiously as the business of the respondents would permit and in any event within three months from today i.e., on or before 06.01.2022.

7. Captioned writ petition is disposed of by making the aforementioned simple order. In the light of the fair stand taken by learned counsel for writ petitioner (on instructions) that the demised shop consists of land and superstructure (notwithstanding a new superstructure being put up by the writ petitioner with consent of said temple) any documentation that is required for formalizing this position i.e., land and superstructure qua demised shop belonging to said temple shall also be completed. Consequently, connected WMPs are also disposed of as closed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

gpa



To

1. The Commissioner,
Hindu Religious & Charitable
Endowments Department,
No.119, Uthamar Gandhi Salai,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious & Charitable
Endowments Department,
No.119, Uthamar Gandhi Salai,
Chennai - 600 034.
3. The Board of Trustees,
Sri Kadubadi Chinnamman Thirukoil,
Jayarama Chetty Street,
Saidapet, Chennai - 600 015.

+1cc to M/s.Govind Chandrasekhar, Advocate, S.R.No.52658
+1cc to Ms.G.Sumitra, Advocate, S.R.No.52372

W.P.NO.10286 OF 2021 &
W.M.P.NO.10883 OF 2021

SR-II(CO)
PBS/15/11/2021