



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.A(MD)No.1780 of 2021

and

C.M.P(MD)No.7645 of 2021

A.Mohamed Ali Jinnah ... Appellant /Petitioner
Vs.

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

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Madurai.

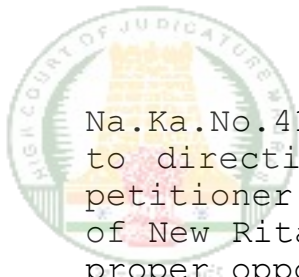
3. The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
18, Naachi Street,
Madurai District.

4. C.N.S. Ashok Kumar,
Hereditary Administrative Trustee,
Arulmigu Sri Rajarajeshwari Thandumariamankovil,
No.35, Nethaji Road,
Madurai-1. ... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 05.03.2021 made in W.P(MD)No. 4539 of 2021 on the file of this Court.

Prayer in WP(MD). 4539/ 2021 :

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue an order or direction or writ, in the nature of Writ of Certiorari, to call for the records relating to the second respondent fair rent fixation committee proceedings approval order in Mu.Mu.No.2327/2017/A4, dated 23.03.2017 and consequential order passed by the second respondent proceedings in



Na.Ka.No.41/2020/E1, dated 19.12.2020 and quash the same and further to directing the respondents 2 to 4 to fix the fair rent of the petitioner Shop No.255B, carrying a business in the name and style of New Rita Footwear situated at Nethaji Road, Madurai, after giving proper opportunity to the petitioner.

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For Appellant : Mr.A.P.Muthupandian
For Respondents : Mr.P.Thilak Kumar
Government Pleader
For R.1 to R.3
Mr.C.Guhaseela Rupam
For R4

JUDGMENT

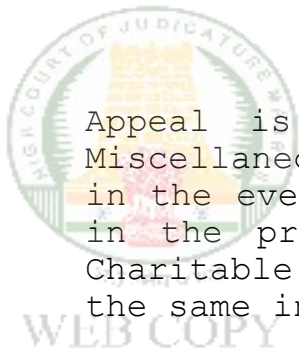
(Judgment of the Court was delivered by **M.DURAISWAMY, J.**)

Challenging the order passed in W.P(MD)No. 4539 of 2021, the appellant/writ petitioner has filed the above writ appeal. The appellant filed the Writ Petition to issue a Writ of Certiorari, to call for the records relating to the Fair Rent Fixation Committee proceedings approval order, dated 23.03.2017, on the file of the second respondent and consequently, the order passed by the second respondent, dated 19.12.2020 and to quash the same and further directing the respondents 2 to 4 to fix the fair rent of the petitioner's shop No.255B, carrying a business in the name and style of 'New Rita Footwear' situated at Nethaji Road, Madurai, after giving proper opportunity to the petitioner.

2. The appellant has challenged the show cause-notice, dated 19.12.2020 issued by the second respondent, under Section 78(2) of the Hindu Religious and Charitable Endowments Act. The appellant has also given his reply, dated 06.01.2021 to the show cause notice issued by the second respondent. Subsequently, challenging the show cause notice, the appellant has filed the Writ Petition.

3. Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents 1 to 3 submitted that the second respondent has already conducted enquiry in the proceedings under Section 78 of the Hindu Religious and Charitable Endowments Act and has reserved the matter for orders.

4. In the Writ Petition, the appellant has challenged the show cause notice and now that the second respondent had already concluded the proceedings and reserved the matter for orders, hence, the relief sought for in the Writ Petition cannot be granted. The learned Single Judge, has rightly dismissed the Writ Petition. We do not find any merits in the Writ Appeal. Accordingly, the Writ



Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed. It is needless to say that in the event of the second respondent holding against the appellant in the proceedings under Section 78 of the Hindu Religious and Charitable Endowments Act, it is open to the appellant to challenge the same in accordance with law.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

LR/SSL

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
Endowment Department,
Chennai - 34.
2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Madurai.
3. The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
18, Naachi Street,
Madurai District.

+1 CC to M/s.C.GUHASEELARUPAN, Advocate (SR-29420[F] dated 17/09/2021)

+1 CC to M/s.SPL. GP (SR-29590[F] dated 20/09/2021)

W.A(MD)No.1780 of 2021

17.09.2021

RD(5.10.2021) 3P 6C