



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2022

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.NO.4609 OF 2022

K.Selvam

...Petitioner

Vs.

1.The Commissioner,
O/o. Department of Hindu Religious & Charitable Endowment,
No.119, Uthamar Gandhi Road,
Thousand Light West,
Nungambakkam,
Chennai - 600 034.

2.The Joint Commissioner,
O/o. Department of Hindu Religious & Charitable Endowment,
Arcot Road,
Kagithapattarai,
Vellore - 632 012.

3.The Executive Officer,
Arulmigu Venugopal Swamy &
Varadaraja Perumal Koil, Virupatchipuram,
Office at No.12, Katpadi Road,
Thottapalayam,
Vellore - 632 004.

...Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Respondents to remove the lock and seal of the shop at Door No.15 pending final decision on the Appeal dated 11.02.2022 which preferred by the Petitioner before the 1st Respondent within the time frame fixed by this Court.

For Petitioner : Mr.J.Povas

For Respondents : Mr.S.Yashwanth
Additional Government Pleader

O R D E R

This Writ Petition is filed for issuance of Writ of Mandamus, directing the respondents to remove the lock and seal



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petitioner as on today. The fair rent fixed by the respondents is valid and legal. In view of the non-payment of rent, the petitioner was treated as encroacher and the 3rd respondent has rightly sealed the Tea Shop, there is no irregularity in the order, the petitioner is not entitled for the relief sought for and prayed for dismissal of the Writ Petition.

6. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for respondents and perused the entire materials on record.

7. The grievance of the petitioner is that the 3rd respondent has fixed the fair rent retrospectively from 2001 without giving any notice to the petitioner and without giving any opportunity to put forth his case. According to the petitioner, only the land was leased out to the father of the petitioner and superstructure was constructed by his grand father and father. While so, the 3rd respondent has fixed the fair rent for both land and building. In view of the same, the petitioner has filed an appeal dated 11.02.2022 challenging fixation of fair rent before the 1st respondent and filed proof to show that the said appeal was received by the 1st respondent on 14.02.2022.

8. Considering the submission of the learned Additional Government Pleader that petitioner has not paid rent from 2007 onwards, the petitioner is directed to pay a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the 3rd respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of said amount, the 3rd respondent is directed to remove the lock and seal of the Tea Shop at Door No.15 pending disposal of the appeal dated 11.02.2022, filed by the petitioner before the 1st respondent within a period of two days from the date of receipt of the said amount. In view of the fact that the appeal filed by the petitioner before the 1st respondent is pending, the 1st respondent is directed to consider the same on merits and pass orders in accordance with law after giving opportunity to the petitioner to put forth his case. It is open to the 3rd respondent to take appropriate action depending upon the order to be passed in the appeal filed by the petitioner.

9. With the above observations, the Writ Petition is allowed. No costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner,
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+1cc to M/s.S.Sathia Chandran, Advocate, Sr.No.18528

+1cc to the Special Government Pleader, Sr.No.18690

W.P.No.4609 of 2022

SKM(CO)
RVM(05/04/2022)