



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No.5948 of 2022

R. Sai Raj

...Petitioner

Vs

1. The Commissioner,
Hindu Religious Charitable &
Endowment Department,
Nungambakkam High Road,
Nungambakkam, Chennai 600 034.

2. The Executive Officer,
Arulmighu Katchaleeswarar Thirukovil,
No.77, Armenien Street,
Chennai 600 001

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the final notice of the 2nd respondent dated 16.02.2022 and quash the same and consequently, direct the 2nd respondent to re-fix the fair rent to the petitioner building under residential classification as per GOMs.No.298 HR & CE Department dated 20.07.2010 .

For petitioner

... Mr. B. Ullasavelan

For respondents

... Mr. N.R.R.Arun Natarajan
Spl. G.P. (HR & CE)

ORDER

This writ petition has been filed challenging the notice issued by the 2nd respondent / Executive Officer, directing the petitioner to pay the arrears of rent to the tune of Rs.30,08,195/-.

2.The learned counsel appearing for the petitioner submitted that without fixing the fair rent as contemplated under Section 34-A of HR & CE Act, the 2nd respondent, arbitrarily, issued a demand notice directing the petitioner to pay the said sum.



3.The learned Special Government Pleader, appearing for the respondent HR & CE submitted that fair rent has been fixed by a committee, but the same is yet to be finalised and no demand has been issued to the petitioner. The learned Special Government Pleader has also produced the original records showing that one of the committee member yet to sign in the fair rent order.

4.Considering the above circumstances, without fixing the fair rent, the 2nd respondent cannot issued the impugned notice asking him to pay the amount and hence, the impugned notice is liable to be set aside.

5.Accordingly, the impugned notice issued by the 2nd respondent is set aside. However, the respondents are directed to fix the fair rent in accordance with law, thereafter, issue proper demand notice to the petitioner.

6.With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Commissioner,
Hindu Religious Charitable &
Endowment Department,
Nungambakkam High Road,
Nungambakkam, Chennai 600 034.

2. The Executive Officer,
Arulmighu Katchaleeswarar Thirukovil,
No.77, Armenien Street,
Chennai 600 001

+1cc to Mr.B.Ullasavelan, Advocate, S.R.No.17842

+1cc to the Government Pleader, S.R.No.18291

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KK(CO)
RGA(07/04/2022)