



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.5788 of 2022

and

W.M.P.Nos.5874 & 5875 of 2022

- 1.Deivasigamani
- 2.V.Thirunavukarasu
- 3.J.Logaiah
- 4.A.R.Sophy
- 5.S.Raja
- 6.D.Mangaiyarkarasi
- 7.M.Thirupurasundari
- 8.Sethuparvathy
- 9.Ashok Sen Mungara,
Represented by his Power agent
S.Rajendran,
No.4, 2nd Street, Arunachalapuram,
Adyar, Chennai - 600 020.
- 10.P.Srinivasan
- 11.M.Omprakash
- 12.Usha Sen Mungara
Represented by her Power agent
S.Rajendran,
No.17, 2nd Street, Arunachalapuram,
Adyar,
Chennai - 600 020.

... Petitioners



Vs.

1.The Executive Officer,
Joint Commissioner / Executive Officer,
Arulmigu Arunachaleswarar Temple,
Thiruvannamalai - 606 601.

2.The Commissioner,
The Hindu Religious and Charitable Endowment,
Nungambakkam High Road,
Nungambakkam,
Chennai - 600 034.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd Respondent herein to consider and dispose off the Appeal filed by the Petitioners in Appeal Filing Nos.80924 to 80934 of 2021 under Section 34(A)(3) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 without insisting on the pre-deposit of disputed portion of the increased rent, after giving the Petitioners a reasonable opportunity of being heard in person, within a time frame fixed by this Court.

For Petitioners :Mr.Adithya Raj
for M/s.P.Wilson Associates

For Respondents :Mr.N.R.R.Arun Natarajan
Special Government Pleader
(HR & CE)

O R D E R

This Writ Petition is filed seeking a direction to the 2nd respondent herein to consider and dispose off the appeal filed by the petitioners without insisting on the pre-deposit of disputed portion of the increased rent, after giving the petitioners a reasonable opportunity of being heard in person, within a time frame fixed by this Court.

2.According to petitioners, they are tenants of land belonging to 1st respondent / Arulmigu Arunachaleswarar Temple and have put up residential building and are residing therein. They were paying rent regularly without any default. While so,



the respondents fixed exorbitant rent from the year 2001. Therefore, the petitioners filed Writ Petition in W.P.No.8459 of 2018 before this Court, challenging the fixation of fair rent notices dated 21.02.2018 and 15.03.2018. The said Writ Petition was dismissed, giving liberty to the petitioners to file an appeal before the 2nd respondent. The petitioners filed appeals before the 2nd respondent on 18.10.2019, but the 2nd respondent is not numbering the appeal insisting for pre-deposit. Hence, the petitioners have come out with the present Writ Petition.

3. Heard the learned counsel appearing for the petitioners as well as the learned Special Government Pleader appearing for the respondents and perused the entire materials on record.

4. The learned counsel appearing for the petitioners made various submissions on merits with regard to fixation of fair rent, but the issue to be decided in the present Writ Petition is whether the condition of pre-deposit so fixed can be dispensed with and respondents can be directed to dispose of the appeals without insisting the petitioners for pre-deposit. The rent payable by the tenants of the temple property has to be fixed as per the provisions of Section 34(A) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. When the rent is fixed by the competent authority, the tenants have the right to file an appeal as per Sub Section (3) of Section 34(A) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. As per the proviso to Sub Section (3), the appeal must be accompanied by proof of payment of rent so fixed. There is no provision in the Act to dispense with such pre-deposit. Further, earlier Writ Petition in W.P.No.8459 of 2018 filed by the petitioners was withdrawn by them with liberty to prefer an appeal before the Commissioner under Sub Section (3) of Section 34(A) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 along with pre-deposit. The petitioners, on such permission of this Court, withdrew the Writ Petition with liberty to prefer appeal before the Commissioner under Sub Section (3) of Section 34(A) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 along with pre-deposit. On such representation, the said Writ Petition was dismissed as withdrawn, granting such liberty. The petitioner, having got liberty from this Court to file appeal along with pre-deposit of rent, is not entitled to seek the present relief sought for in this Writ Petition.



5. For the above reasons, this Writ Petition is dismissed.
Consequently, the connected Miscellaneous Petitions are closed.
No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

1. The Executive Officer,
Joint Commissioner / Executive Officer,
Arulmigu Arunachaleswarar Temple,
Thiruvannamalai - 606 601.

2. The Commissioner,
The Hindu Religious and Charitable Endowment,
Nungambakkam High Road,
Nungambakkam,
Chennai - 600 034.

+1cc to Mr. P. Wilson Associates, Advocate Sr.18529
+1cc to the Government Pleader Sr.18723

W.P.No.5788 of 2022

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srg 08/04/2022