



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.Nos.6233, 6242 & 6376 of 2022
and W.M.P.Nos.6304, 6307 & 6453 of 2022

J.Lalith Kumar .. Petitioner in W.P.Nos.6233
& 6242/2022

S.Shanmuganathan .. Petitioner in
W.P.No.6376/2022

Vs.

1. The Commissioner,
Hindu Religious Endowment Department,
Nungambakkam, Chennai 600 034.
2. The Joint Commissioner,
Hindu Religious Endowment Department,
Nungambakkam, Chennai 600 034.
3. The Executive Officer,
Arulmigu Vengreswarar, Alagarperumal
and Nagathamam Temple, Vadapalani,
Chennai 600 026. .. Respondents in all W.Ps.

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned undated demand notices issued by the 3rd respondent vide reference for the (i) property bearing No.54, Old No.3, originally Ella Muthamman Kovil Street and now known as 100 feet Road, Vadapalani, Chennai 600 026 (ii) property bearing No.3/1, originally Ella Muthamman Kovil Street and now known as 100 feet Road, Vadapalani, Chennai 600 026 and (iii) property bearing No.38, Azhgar Perumal Kovil Street, Vadapalani, Chennai 600 026 respectively and quash the same and consequently, forbear the 3rd respondent from demanding the enhanced rent retrospectively from 01.07.2016 in respect of the above said property and further permit the petitioners herein to pay the arrears of rents to the 3rd respondent temple.

(In all W.Ps.)

For Petitioner : Mr.Abdul Mubeen
for M/s.M.Mohamed Anees



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For RR1 & 2 : Mr.N.R.R.Arun Natarajan
Special Government Pleader (HR & CE)

For R3 : Mr.P.Willson Topaz
for M/s.A.S.Kailasam Associates

C O M M O N O R D E R

These Writ Petitions are filed challenging the impugned undated demand notice issued by the 3rd respondent, forbearing the 3rd respondent from demanding the enhanced rent retrospectively from 01.07.2016 in respect of the above mentioned properties and further permit the petitioners herein to pay the arrears of rents to the 3rd respondent temple.

2.Heard the learned counsel appearing for the petitioner, learned Special Government Pleader (HR & CE) appearing for the respondents 1 and 2 as well as the learned counsel appearing for the 3rd respondent in all the Writ Petitions and perused the entire materials available on record.

3.All the petitioners herein are challenging the demand notice, calling upon them to pay the arrears of fair rent fixed from 01.07.2016 to 31.01.2022. According to the learned counsel appearing for the petitioner in all the Writ Petitions, the respondents did not give any notice to the petitioners before fixing the fair rent and has not complied with the provisions of Sections 34 and 34(A) of the Hindu Religious and Charitable Endowments Act, 1959. The respondents are also claiming arrears of rent alleged to have been fixed retrospectively from 01.07.2016.

4.The learned Special Government Pleader (HR & CE) appearing for the respondents 1 & 2 submitted that on 21.06.2021, fair rent was fixed by the Committee headed by the Joint Commissioner. Without challenging the said order dated 21.06.2021 passed by the Committee, the present Writ Petitions are not maintainable and prayed for dismissal of all the Writ Petitions.

5.In reply to the contention of the learned Special Government Pleader (HR & CE), the learned counsel appearing for the petitioners submitted that the order dated 21.06.2021 was not served on the petitioners. The learned Special Government Pleader submitted that a copy of said order will be given to the petitioners. The learned counsel appearing for the petitioners submitted that if copy of the order fixing fair rent is given, time may be granted to the petitioners to file an appeal challenging the same before the Commissioner and sought a direction to the respondents not to disturb their possession



till the appeal is disposed of by the Commissioner.

6.Today, in the open Court, a copy of the order of the Committee dated 21.06.2021, fixing fair rent is handed over to the counsel appearing for the petitioner.

7.The learned Special Government Pleader (HR & CE) appearing for the respondents 1 & 2 submitted that the respondents will not interfere with the possession of the petitioners till disposal of the appeals to be filed by the petitioners within the time limit fixed by this Court.

8.Considering the above submissions made on both side, all the Writ Petitions are disposed of, granting three weeks time to the petitioners from the date of receipt of a copy of this common order, to file appeal challenging the order dated 21.06.2021 passed by the Committee to the Commissioner. If any appeal is filed, the Commissioner is directed to dispose of the appeal on merits and pass orders after giving opportunity of personal hearing to the petitioners and 3rd respondent, within a period of eight weeks from the date of receipt of the appeal. Till such time, the respondents are restrained from initiating any proceedings based on the order dated 21.06.2021. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gsa

To

1. The Commissioner,
Hindu Religious Endowment Department,
Nungambakkam, Chennai 600 034.
2. The Joint Commissioner,
Hindu Religious Endowment Department,
Nungambakkam, Chennai 600 034.

+5ccs to M/s.M.Mohamed Anees, Advocate, S.R.No.19863 AND 19233
+1cc to the Special Government Pleader, S.R.No.19646,19645

W.P.Nos.6233, 6242 & 6376 of 2022

PL(CO)
CT 06/04/2022