



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.Nos.8658, 8664, 8673, 8679, 8681, 8684, 8685 & 8688 of 2022
and

W.M.P.Nos.8575, 8576, 8580, 8581, 8585, 8586, 8590, 8591,
8594, 8595, 8600 to 8603, 8605 & 8607 of 2022

K.Rangan	.. Petitioner in W.P.No.8658 of 2022
M.Palanisamy	.. Petitioner in W.P.No.8664 of 2022
L.Kalaiselvan	.. Petitioner in W.P.No.8673 of 2022
G.Parthiban	.. Petitioner in W.P.No.8679 of 2022
S.Hemalatha	.. Petitioner in W.P.No.8681 of 2022
G.Parthiban	.. Petitioner in W.P.No.8684 of 2022
R. Muthu velmani	.. Petitioner in W.P.No.8685 of 2022
A. Chandra sekar	.. Petitioner in W.P.No.8688 of 2022

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowment,
No.119, Uthamar Gandhi Salai,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Coimbatore.
3. A/m. Sri Ramalinga Sowdeeswari
New Sowdamman Devasthanam,
Represented by its Managing Trustee,
Kumaresan,
No.1132, Rangea Gounder Street,
Coimbatore - 641 001.
4. A/m. Sri Ramalinga Sowdeeswari
New Sowdamman Devasthanam,
Represented by its Manager Mohan,
No.1132, Rangea Gounder Street,
Coimbatore - 641 001.
5. The District Registrar,
Assistant Inspector General of Registration Cadre,
No.102, State Bank Road,
District Collector office campus,
Coimbatore - 18. .. Respondents in all WPs



Prayer in W.P.No.8658 of 2022: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, calling for the records of the 3rd respondent pertaining to the impugned demand notice dated nil issued in respect of Door No.16/8, (1st Floor), Langarkhana Street, Coimbatore - 641 001 admeasuring an extent of 188.12 sq.ft and quash the same.

Prayer in W.P.No.8664 of 2022:

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, calling for the records of the 3rd respondent pertaining to the impugned demand notice dated nil issued in respect of Door No.16/11 1st Floor Langarkhana Street Coimbatore-641 001 admeasuring an extent of 94.06 sq.ft and quash the same.

Prayer in W.P.No.8673 of 2022:

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, calling for the records of the 3rd respondent pertaining to the impugned demand notice dated nil issued in respect of No.150 Theppakulam Street Coimbatore-641 001 admeasuring an extent of 270.06 sq.ft and quash the same.

Prayer in W.P.No.8679 of 2022:

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, calling for the records of the 3rd respondent pertaining to the impugned demand notice dated nil issued in respect of Door No.16/2 Langarkhana Street Coimbatore-641 001 admeasuring an extent of 115.56 sq.ft and quash the same.

Prayer in W.P.No.8681 of 2022:

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, calling for the records of the 3rd respondent pertaining to the impugned demand notice dated nil issued in respect of Door No.16/3 1st Floor Langarkhana Street Coimbatore-641 001 admeasuring an extent of 41.56 sq.ft and quash the same.

Prayer in W.P.No.8684 of 2022:

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, calling for the records of the 3rd respondent pertaining to the impugned



demand notice dated nil issued in respect of Door No.16/9 1st Floor Langarkhana Street Coimbatore-641 001 admeasuring an extent of 188.12 sq.ft and quash the same.

Prayer in W.P.No.8685 of 2022:

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, calling for the records of the 3rd respondent pertaining to the impugned demand notice dated nil issued in respect of Door No.16/6 Langarkhana Street Coimbatore-641 001 admeasuring an extent of 188.12 sq.ft and quash the same.

Prayer in W.P.No.8688 of 2022:

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, calling for the records of the 3rd respondent pertaining to the impugned demand notice dated nil issued in respect of No.143 Rangea Gowder Street Coimbatore-641 001 admeasuring an extent of 762.12 sq.ft and quash the same.

For Petitioner : Mr.M.Rajkumar in all Wps

For RR 1 & 2 : Mr.N.R.R.Arun Natarajan
Special Government Pleader (HR & CE)
in all Wps

For RR 3 & 4 : Mr.S.Sithirai Anandam in all Wps

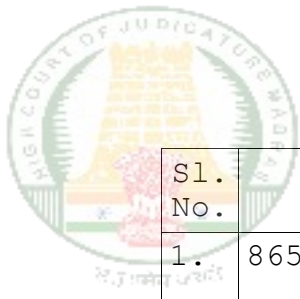
C O M M O N O R D E R

The petitioners have come out with the present Writ Petitions challenging the demand notice of the 3rd respondent.

2.The issues involved in all the Writ Petitions are one and the same and hence, they are disposed of by this common order.

3.Heard the learned counsel appearing for the petitioners, learned Special Government Pleader (HR & CE) appearing for the respondents 1 & 2 as well as the learned counsel appearing for the respondents 3 & 4 and perused the entire materials on record.

4.According to petitioners, they are the tenants in respect of the following shops belonging to 3rd respondent Temple.



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Sl. No.	W.P.No.	Property	Extent
1.	8658 of 2022	Door No.16/8, (1 st floor) Langarkhana Street, Coimbatore - 641 001	188.12 sq.ft
2.	8664 of 2022	Door No.16/11, First Floor, Langarkhana Street, Coimbatore - 641 001	94.06 sq.ft
3.	8673 of 2022	Door No.150, Theppakulam Street, Coimbatore - 641 001	270.06 sq.ft
4.	8679 of 2022	Door.No.16/2, Langarkhana Street, Coimbatore - 641 001	115.56 sq.ft
5.	8681 of 2022	Door No.16/3, Langarkhana Street, Coimbatore - 641 001	41.56 sq.ft
6.	8684 of 2022	Door No.16/9, First floor, Langarkhana Street, Coimbatore - 641 001	188.12 sq.ft
7.	8685 of 2022	Door No.16/6, Langarkhana Street, Coimbatore - 641 001	188.12 sq.ft
8.	8688 of 2022	Door No.143, Rangae Gowder Street, Coimbatore - 641 001	762.12 sq.ft

5.They became tenants on various dates under the 3rd respondent Temple. According to petitioners, they were paying monthly rent fixed by the Hindu Religious and Charitable Endowments Department regularly without any default. The monthly rent finally fixed for the petitioners in W.P.Nos.8658, 8664, 8673, 8679, 8681, 8684, 8685 & 8688 of 2022 are Rs.2,100/-, Rs.1,200/-, Rs.750/-, Rs.1,450/-, Rs.750/-, Rs.900/-, Rs.2,500/- & Rs.1,750/- respectively and the petitioners were paying the rent without any default even during the COVID pandemic situation. While so, the petitioners received notice from the counsel for 3rd respondent that the monthly rent was enhanced from 01.07.2016 and the petitioners are in arrears of rent as mentioned in the said notices. The petitioners have come out with the present Writ Petitions challenging the demand notices sent through Advocate of the 3rd respondent Temple. According to



petitioners, no notice was issued to them before enhancing the monthly rent and they came to know about the enhancement of rent only on receipt of impugned demand notice from the Advocate of the 3rd respondent.

WEB COPY

6. From the materials on record filed by the petitioners, it is seen that the petitioners were informed by the 3rd respondent about fixing the fair rent from 01.07.2016 onwards. According to the respondents, after considering the guideline value, market value and value furnished by the Engineer, fair rent was fixed. The petitioners have not challenged the order fixing the fair rent. The petitioners have filed the Writ Petitions challenging the demand notice without challenging the fair rent fixed by the Committee. As per Section 34-A of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, an appeal lies to the Commissioner against the order fixing fair rent. The petitioners without challenging the fair rent fixed by the Committee have come out with the present Writ Petitions challenging the demand notices which are not maintainable. However, it is open to the petitioners to file appeal before the 1st respondent, if they so desire.

7. With the above observations, all the Writ Petitions are dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

krk

To

1. The Commissioner,
Hindu Religious and Charitable Endowment,
No.119, Uthamar Gandhi Salai,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Coimbatore.
3. The District Registrar,
Assistant Inspector General of Registration Cadre,
No.102, State Bank Road,
District Collector office campus,
Coimbatore - 18.



+8ccs to Mr.Bala varadharajan, Advocate, S.R.No.27357 to 27364
+1cc to Mr.S.Sithirai Anandam, Advocate, S.R.No.26865
+1cc to the Government Pleader, S.R.No.26986

W.P.Nos.8658, 8664, 8673, 8679,
8681, 8684, 8685 & 8688 of 2022

SSV(CO)
CT 05/05/2022