



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.[MD]No.791 of 2022

and

W.M.P.[MD]No.641 of 2022

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T.R.Dhamodaran

... Petitioner

Vs.

1.The Joint Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Dindigul.

2.The Takkar,
Kamatchi Amman Thirukovil,
Thenkarai,
Periyakulam,
Theni District.

... Respondents

[R2 ie.,The Chairman, Lease Rent Fixation Committee, Kamatchi Amman Temple, Theni District is suo motu deleted vide order dated 27.01.2022]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third respondent to furnish the copy of the proceedings of the second respondent dated 18.07.2011 by which rent has been fixed qua the petitioners shop by considering the petitioner's representation dated 13.10.2019 and consequently forbear the respondents or their subordinates from taking any coercive action against the petitioner till such time.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondent No.1 : Mr.M.Ramesh
Government Advocate

For Respondent No.3 : Dr.C.Guhaseelaroopan

O R D E R

Read this in conjunction with and in continuation of earlier proceedings made in previous listing on 20.01.2022. To be noted the same short forms and short references used in the earlier proceedings continue to be used in the instant order also.



2.It is also to be noted that there was another listing thereafter on 24.01.2022.

3.Today after taking instructions, Dr.C.Guhaseelaroopan, learned private Counsel for third respondent submits that lease rent for demised shop has now been refixed enhancing the lease rent with effect from 01.07.2016.

4.Learned private Counsel submits that there is a communication from the jurisdictional Joint Commissioner, TN HR & CE Dept., [first respondent] in this regard. However what is of greater significance is learned private Counsel very fairly submits that the third respondent has not taken a call on this (as yet) and communicated to the writ petitioner. Learned private Counsel for third respondent submits that third respondent will take a call on lease rent and communicate the same to writ petitioner within a fortnight from today ie., on or before **10.02.2022** [under due acknowledgment from the writ petitioner].

5.In the light of the narrative thus far, for the purpose of clarity and with the intention of avoiding any nebulous situation or ambiguity in the days to come it is made clear that the date of service of aforementioned communication from the third respondent to the writ petitioner will be the reckoning date for all purposes including computation of limitation for a statutory appeal (if any and if that be so) under Section 34-A(3) of TN HR & CE Act or any other proceedings regarding lease rent *qua* demised shop.

6.As the communication is yet to be made, it is also made clear that this order does not express any opinion on the **Angala Parameswari** principle [Arulmigu **Angala Parameswari and Kasivishwanathaswami Temple Vs. The State of Tamil Nadu rep. by its Secretary to Government** reported in (2009) 4 Mad LJ 1223 = 2009 SCC Online Mad 423 = (2009 6 CTC 512] *qua* factual matrix of this case {notwithstanding what has been recorded in proceedings made in earlier listings} as that would tantamount to jumping the gun and putting the cart before the horse. In other words all questions are left open and all the rights and contentions of both sides are left open for being thrashed out legally in the days to come.

7.This being a writ petition, exercising my *suo motu* power I delete the second respondent for two reasons. One is there is no such office under the Statute. The other is, even if there be one on the administrative side of TN HR & CE Dept., the second respondent is not a necessary party for disposal of captioned writ petition.

8.Captioned Writ Petition is disposed of in aforesaid manner with the aforementioned directive. Consequently, captioned Writ



Miscellaneous Petition is disposed of as closed. There shall be no order as to costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

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/ /2022

Sub Assistant Registrar(CS)

MR

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

The Joint Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Dindigul.

+1 CC to M/s.C.GUHASEELARUPAN, Advocate (SR-2652[F] dated 27/01/2022)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-3314[F] dated 01/02/2022)

+1 CC to M/s.SPL.GP (SR-2815[F] dated 28/01/2022)

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MGJ(11.02.2022) 3P 5C