



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2022

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.3771 of 2022

and

W.M.P.(MD).No.3280 of 2022

R.S.Ramachandran

...Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments,
No.119, Uthamar Gandhi Salai,
Nungampakkam,
Chennai-600 032.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Palayamkottai,
Tirunelveli-627 002.

3.The Executive Officer,
Arulmigu Varatharaja Perumal Thirukoil,
Melaveeraraghavapuram,
Tirunelveli Junction.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to pass a reasoned order fixing the lease rent as per the Section 34-A of the Act, 1959, as directed by the first respondent in his proceedings dated 10.07.2018 after giving a reasonable opportunity to the petitioner.

For Petitioner	: Mr.H.Arumugam
For R1 & R2	: Mr.P.T.Thiraviam Government Advocate
For R3	: Mr.C.Guhaseelarupan

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 and 2 and the learned counsel for the third respondent.

2. This writ petition has been filed for a writ of Mandamus to direct the third respondent to pass a reasoned order as directed by the first respondent in his proceedings, dated 10.07.2018 after



giving a reasonable opportunity to the petitioner cannot be countenance as the notice itself was pursuant to the directions of this Court in **Arulmigu Angala Parameswari and Kasivishwanathaswami Temple Adimanaiveal House Owners Association Vs. The State of Tamil Nadu, represented by its Secretary, Chennai and another** reported in **2009 (6) CTC 512**.

3. At the time of admission, an interim order has been passed on 01.03.2022 by directing the petitioner to pay 50% of the arrears of Rs.9,40,284/- within a period of four weeks from the date of receipt of copy of this order. The petitioner unable to furnish the same and pay the amount.

4. Today, when the case was taken up for hearing, the learned counsel for the petitioner submits that the petitioner has vacated the premises. However, the respondents have refused to receive the keys.

5. The learned counsel for the respondents, on the other hand, submits that earlier notice was issued on 27.09.2017 calling for the petitioner to show cause as to why the existing rent of Rs.1,587/- could not be enhanced to Rs.6,784/- for a period of three years. The learned counsel for the respondents further submits that the aforesaid notice was issued in terms of the provisions of Section 34-A read with decisions of the *Angala Parameswari case (supra)*.

6. The learned counsel for the respondents further submits that the petitioner has also replied the same on 09.10.2017 and by another reply, dated 13.03.2018. Thereafter, a fresh notice was issued on 02.06.2018, calling upon the petitioner to pay a sum of Rs.2,92,407/- being the arrears of rent for period between 01.07.2016 and 30.06.2018. The petitioner appears to have given a representation before the Commissioner on 22.06.2018, pursuant to which the Commissioner sent a communication to the Joint Commissioner/second respondent to take steps to recover the rent. This has been challenged the above communication in the present writ petition.

7. It is noted that after the aforesaid communication, the petitioner had also sent another communication, dated 03.04.2019. Thereafter, a fresh notice was issued for demanding the enhanced rent of Rs.16,060/- for the period commencing from 10.07.2019. Now, the petitioner has vacated the premises. There is no merit in the present writ petition.

8. Till such order is set aside in the manner known to law, the petitioner has to pay the arrears to the respondent temple. Since the petitioner has already vacated the premises, the third respondent are at liberty to initiate appropriate proceedings to recover the arrears from the petitioner in accordance with law. It is however open for the petitioner to file an appeal under Section 34 A of the Hindu Religious and Charitable Endowments Act before the



9. The writ petition stands dismissed with the above observations. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (T&P)

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Sub Assistant Registrar(CS)

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To

1.The Commissioner,
Hindu Religious and Charitable Endowments,
No.119, Uthamar Gandhi Salai,
Nungampakkam,
Chennai-600 032.

2.The Joint Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Palayamkottai,
Tirunelveli 627 002

3. The Executive Officer,
Arulmigu Varatharaja Perumal Thirukoil,
Melaveeraraghavapuram,
Tirunelveli Junction.

+1 CC to M/s.DR.C. GUNASEELARUPAN, Advocate (SR-17819[F] dated 11/04/2022)

+1 CC to M/s.SPL.GP. (SR-18162[F] dated 12/04/2022)

+1 CC to M/s.H. ARUMUGAM, Advocate (SR-18754[F] dated 13/04/2022)

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VR (CO)

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