



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.03.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P. (MD) Nos.3925 and 3926 of 2022

and

W.M.P. (MD) Nos.3374 to 3376 of 2022

S.Thamarai Rajendra Kumar

... Petitioner in W.P.(MD) No.3925 of 2022

J.Philip Rajiv

... Petitioner in W.P.(MD) No.3926 of 2022

/vs./

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

2.The Executive Officer,
Arulmigu Manthaikaliyamman Kovil,
Main Road,
Dindigul,
Dindigul District.

... Respondents in both W.Ps.,

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 2nd respondent dated 04.02.2022 and quash the same as illegal and consequently, forbear the respondents or their subordinates from in any way dispossessing the petitioners in any way except by following the procedure established by law in light of the decision of the Honble Supreme Court of India in S.Kumar V. Commissioner 2019 5 SCC 244.

For Petitioners

in both W.Ps., : Mr.M.Mahaboob Athiff for
M/S.Ajmal Associates

For R1

in both W.Ps., : Mr.P.T.Thiraviam
Government Advocate

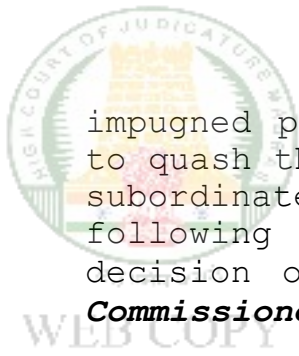
For R2

in both W.Ps., : Mr.M.Muthugeethayan

COMMON ORDER

The respective petitioners have filed these writ petitions for a Certiorarified Mandamus to call for the records relating to the

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impugned proceedings issued by the 2nd respondent dated 04.02.2022, to quash the same as illegal and to forbear the respondents or their subordinates from dispossessing the petitioners in any way except by following the procedures established by the law, in light of the decision of the Hon'ble Supreme Court in the case of **S.Kumar V. Commissioner** reported in **2019 5 SCC 244**.

2.The petitioners were paying the monthly rent of Rs.5,347/- and Rs.13,312/- respectively. It appears that the Fair Rent Fixation Committee had arrived at the fair rent as early as 27.12.2017 and thereby enhanced the rent payable by the respective petitioners to Rs.9,410/- and Rs.24,200/-. However, the same was not communicated to the petitioners.

3.It is the case of the petitioners that all of a sudden the impugned order dated 04.02.2022 has been issued to the respective petitioners, whereby the respective petitioners have been called upon to pay a sum of Rs.4,66,488/- and Rs.10,43,768/-. The common grievance of the respective petitioners is that the safeguards that were put in place the terms of the decision of the Hon'ble Supreme Court in the case of **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**, were not followed and therefore, the question of terminating the petitioners' lease under Section 34-B of the Act and to initiate further proceedings to treat the petitioners as encroachers also cannot be countenanced.

4.I have considered the arguments advanced by the learned counsel for the petitioners, learned Government Advocate for the 1st respondent and the learned counsel for the 2nd respondent.

5.The rents have to be revised even as per the scheme of the Act every three years. In this case, the last revision was made up to the period of 30.06.2016. The next revision was to come into force with effect from 01.07.2016, which was to be in force still for a period of three years thereafter. In this case, though the revision was made on 27.12.2017 by the Fair Rent Fixation Committee in terms of Section 34A of the Act, the same was not communicated to the petitioners by the respondent temple and the respondent temple has straight away issued the demand notice and called upon the petitioners to vacate the premises. This method of terminating the lease straight away without hearing the petitioners cannot be countenanced. However, the rent has to be revised every three years.

6.Considering the same, I am inclined to dispose of these writ petitions by directing the petitioners to pay 50% of the arrears in terms of the respective impugned notices within a period of 30 days from the date of receipt of a copy of this order. If such deposit is made by the petitioners, the 2nd respondent temple is directed to



give calculations/working sheets to the petitioners so as to facilitate the petitioners to file appropriate objections to the same. The temple is thereafter directed to pass appropriate orders on merits and in accordance with law. It is needless to state that the petitioners will be bound by the orders to be passed by the respondent temple subject to their right of remedy under the aforesaid Act.

7. These writ petitions are disposed of in terms of the above observation. The impugned orders passed by the 2nd respondent dated 04.02.2022 are hereby quashed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

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

+2 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-16013 & 16017[F] dated 01/04/2022)

+1 CC to M/s.SPL GP (SR-16064[F] dated 01/04/2022)

W.P. (MD) Nos.3925 and 3926 of 2022
31.03.2022

sb(CO)

TR(12.04.2022) 3P 5C