



WEB COPY

W.P.(MD) No.4088 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.04.2022**

CORAM:

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

W.P. (MD) No.4088 of 2022

and

W.M.P. (MD) Nos.3491 and 3493 of 2022

V.Prakash

... Petitioner

/vs./

- 1.The State of Tamil Nadu,
represented by its Secretary to Government,
Department of Tamil Development and
Culture and Hindu Religious Endowment Department,
St.George Fort,
Chennai 600 009.
- 2.The State of Tamil Nadu,
represented by its Secretary to Government,
Revenue Department,
St.George Fort,
Chennai 600 009.
- 3.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam High Road,
Chennai 600 034.
- 4.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Trichy, Trichy District.
- 5.The Executive Officer,
Arulmigu Boologanathaswamy Thirukovil,
Keelaransalai,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 4th respondent vide his proceedings Se.Mu.Pa.Mu.No.1214/2021/E1 dated 08.10.2021 in so far as S.No.28 is concerned and consequential impugned orders passed by the 5th respondent in his proceedings Nil dated 11.02.2022 and 01.03.2022 and quash the same as illegal and consequentially to direct the respondents to constitute the Fair Rent Committee for fixation of fair rent for the occupation of site alone (Floor Rent) strictly in terms of Section 34-A of Hindu Religious and Charitable Endowments Act, 1959 within the period that may be stipulated by this Court.

<https://hcservices.ecourts.gov.in/hcservices/>



For Petitioner : Mr.S.Mohamed Suhail for
M/S.Ajmal Associates
For R1 to R4 : Mr.P.T.Thiraviam
Government Advocate
For R5 : Dr.Ramesh Mahadevan

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ORDER

The petitioner has filed this writ petition challenging the enhanced rent of Rs.7,015/- for a shop property measuring 1820 sq.ft.

2.It is submitted that the enhanced rent of Rs.22,500/- by the 5th respondent was contrary to Section 34A of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959. The amount due from the petitioner for the period commencing from 01.07.2016 to 30.06.2021 and that the arrears, according to the respondents, come to about 13,21,490/-, out of which the petitioner has paid a sum of Rs.2,00,000/- so far. However, copy of the receipt has not been filed.

3.Considering the fact that the amount involved is huge as compared to the rent that was payable by the petitioner, I am inclined to dispose of this writ petition by permitting the petitioner to file a statutory appeal before the 3rd respondent/the Commissioner subject to the petitioner paying 50% of Rs.13,21,490/-. If the aforesaid amount is paid by the petitioner within such time, the 3rd respondent shall number the appeal and dispose of the same on merits and in accordance with law. Pending disposal of such appeal, the petitioner shall continue to pay the enhanced rent. All the amounts paid by the petitioner will be subject to the final appropriation in terms of the order to be passed by the 3rd respondent. In case, the petitioner is required to pay further amount, the petitioner shall pay the same, failing which, the petitioner can be evicted in terms of Sections 78 and 79 of the Act.

4.The writ petition stands disposed of, in terms of the above observation. No costs. Consequently, connected miscellaneous petitions are closed.

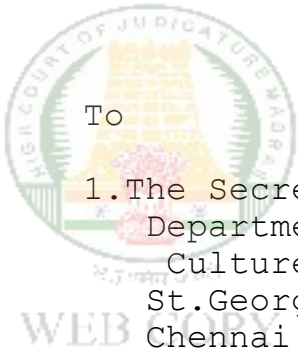
Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1.The Secretary to Government,
Department of Tamil Development and
Culture and Hindu Religious Endowment Department,
St.George Fort,
Chennai 600 009.

2.The Secretary to Government,
Revenue Department,
St.George Fort, Chennai 600 009.

3.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam High Road,
Chennai 600 034.

4.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Trichy, Trichy District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-19260[F] dated
19/04/2022)

+1 CC to M/s.SPL.GP (SR-19335[F] dated 19/04/2022)

W.P. (MD) No.4088 of 2022
18.04.2022

RK(29/04/2022) 3P 7C