



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.04.2022**

CORAM:

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

W.P. (MD) No.4089 of 2022

and

W.M.P. (MD) Nos.3494 and 3495 of 2022

WEB COPY

M.Balasubramanian

... 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.29 is concerned and consequential impugned order passed by the 5th respondent in his proceedings Nil dated 31.01.2022 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

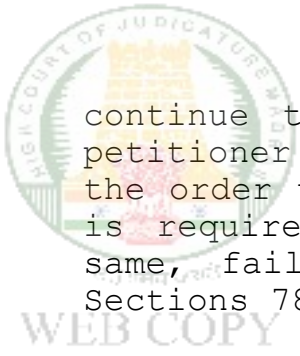
The petitioner has challenged the impugned order passed by the 4th respondent and the consequential impugned order passed by the 5th respondent seeking to recover the arrears of rent from the petitioner for the period commencing from 01.07.2016 to 30.06.2021.

2.It is the case of the petitioner that the petitioner is in possession of 1690 sq.ft., of the shop property and that the arrears, according to the respondents, come to about 15,02,300/-, out of which a sum of Rs.8,52,300/- has been paid by the petitioner. It is submitted that the unilateral revision of the rent from Rs.1,000 to 22,000/- was exorbitant and contrary to the law settled by the Division Bench of this 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.

3.It is the further case of the petitioner that the 4th respondent vide proceedings in Se.Mu.Pa.Mu.No.1214/2021/E1 dated 08.10.2021 has fixed an exorbitant rent per month without following due procedure of Section 34A of the Act. It is further submitted that the impugned order has been passed under the pretext of the Fair Rent Committee Resolution dated 04.10.2021. However, no notice has been issued to the petitioner.

4.I have considered the arguments advanced by the learned counsel for the petitioner, the learned Government Advocate for the official respondents and the learned counsel for the 5th respondent.

5.Whether the petitioner has received the notice or not or whether the rent is exorbitant or not cannot be decided in this writ petition. Considering the fact that the petitioner appears to have paid a sum of Rs.8,52,300/-, I am inclined to dispose of this writ petition by directing the petitioner to file a statutory appeal before the 3rd respondent/the Commissioner under Section 34A of the Act. If such an appeal is filed within a period of 30 days from the date of receipt of a copy of this order, the 3rd respondent as an Appellate Authority shall number the appeal and list the case for final hearing 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 Commissioner. 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.

6.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)

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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-19263[F] dated
19/04/2022)

W.P. (MD) No.4089 of 2022
18.04.2022

RK(29/04/2022) 3P 6C