



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2022

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.5000 of 2022

and

W.M.P(MD).Nos.4104 and 4105 of 2022

A.Rajkumar

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Dindigul.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Theni.

4.Thakkar/Fit Person,
Arulmigu Kamatchiamman Tirukoil,
Thekarai, Periyakulam Taluk,
Theni District.

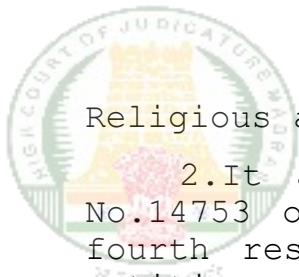
... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating with the impugned notice in Na.Ka.No.28/1431, dated 11.03.2022 issued by the fourth respondent and quash the same as it is arbitrary and illegal.

For Petitioner	: Mr.R.Suriyanarayanan
For R1 to R3	: Mr.P.Subbaraj Special Government Pleader
For R4	: Mr.G.Mathavan

ORDER

The petitioner has challenged the impugned notice dated 11.03.2022, issued by the fourth respondent - Thakkar / Fit Person of Arulmigu Kamatchiamman Thirukovil, Thenkarai, Periyakulam Taluk, Theni District, directing him to pay a sum of Rs.37,17,176/- towards arrears of rent, failing which, appropriate proceedings will be initiated against him under Section 79-C of the Tamil Nadu Hindu



Religious and Charitable Endowments Act, 1959.

2.It appears that the petitioner had earlier filed W.P.(MD) No.14753 of 2020, challenging the notice dated 29.10.2019 of the fourth respondent, whereby the fourth respondent called upon the petitioner to pay the balance rent upto 30.06.2016 i.e., Rs.5,96,784/-, being the arrears of rent and also to pay a sum of Rs.17,25,666/- towards the arrears of enhanced rent for the period between 01.07.2016 and 30.09.2019, totalling a sum of Rs.23,22,450/-, on or before 15.11.2019. It was the case that the petitioner having paid Rs.1,50,000/- on various dates, the fourth respondent had not considered the petitioner's representation, instead, issued a demand dated 29.10.2019. It is submitted that the said Writ Petition was dismissed vide order dated 28.10.2020, by directing the second respondent herein to serve a copy of the order dated 16.09.2018, to facilitate the petitioner to file a statutory appeal before the first respondent - Commissioner.

3.Pursuant to the above said order, the petitioner has preferred an appeal before the first respondent in Appeal Petition No.14 of 2021 and the same is pending. Since the impugned notice has starightaway demanded a sum of Rs.37,17,176/- being the arrears of rent for the Fasli years 1425 to 1431, without following due procedure in terms of a decision of a Division Bench of this Court in the case of **Arulmigu Angala Parameswar and Kasivishwanathaswami Temple Adimanaiveal House Owners Association Vs. The State of Tamil Nadu represented by its Secretary to Government, Hindu Religious and Charitable Endowments Department and others (2009 (6) CTC 512)**, the impugned demand notice is set aside, by directing the fourth respondent to issue a proper notice to the petitioner to respond to the enhancement of rent of Rs.48,094/- from the Fasli year 1425. This exercise shall be carried by the fourth respondent within a period of four weeks from the date of receipt of a copy of this order. The petitioner shall, however, deposit the arrears, if any, for the period prior to Fasli year 1426 onwards.

4.This Writ Petition stands disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The Commissioner,
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- 3.The Assistant Commissioner,
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- 4.Thakkar/Fit Person,
Arulmigu Kamatchiamman Tirukoil,
Thekarai, Periyakulam Taluk,
Theni District.

+1 CC to M/s.SPL GP (SR-13853[F] dated 23/03/2022)

W.P (MD) .No.5000 of 2022
22.03.2022

NSN(CO)
KB(06.04.2022) 3P 6C