



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD) .No.6023 of 2022

and

W.M.P(MD) Nos.4692 and 4694 of 2022

Koodalingam

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai.

3.The Executive Officer,
Arulmigu Dhandayuthapani Swamy Temple,
Birla Vigram, Annakuli Mandapam Street,
Madurai-625 001.

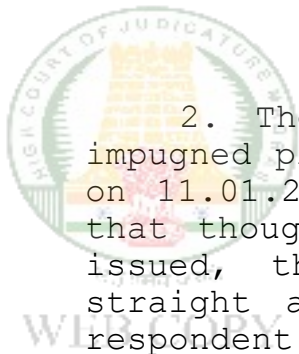
...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for records relating to the impugned calculation sheets dated 11.03.2022 and the impugned order passed by the third respondent in respect of the property bearing Door No.14D, Veeraraghava Perumal Kovil Street, South Masi Street, Madurai in the shop of the petitioner fixing the fair rent at Rs.5600/- and Rs.4500/- and quash the same.

For Petitioner	: Mr.R.Pon Karthikeyan
For R1 & R2	: Mr.P.Subbaraj
	Special Government Pleader
For R3	: Mr.S.Manohar

ORDER

Heard the learned counsel for the petitioner, the learned Special Government Pleader for the respondents 1 and 2 and the learned counsel for the third respondent.



2. The learned counsel for the petitioner submits that the impugned proceedings are contrary to the order passed by this Court on 11.01.2018 in W.P.(MD)Nos.579 to 584 of 2018. It is submitted that though for the other petitioners in the batch, a notice was issued, the petitioner was not issued with a notice. Instead straight away the impugned notice has been issued by the third respondent on 11.03.2022 seeking to revise the fair rent for the pathway and the shop, without following the order, dated 11.01.2018 in W.P.(MD)No.584 of 2018.

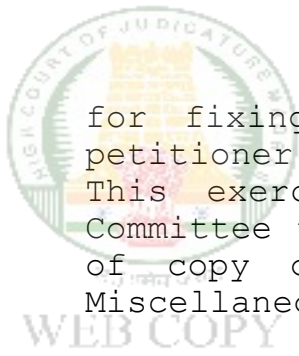
3. Opposing the prayer, the learned counsel for the third respondent submits that the petitioner has suppressed material fact inasmuch as after the order was passed on 11.01.2018 in W.P.(MD). No.579 to 584 of 2018. The petitioner had himself consented to pay the fair rent to be fixed by a letter dated 25.06.2018 and therefore, it is not open for the petitioner to complaint that the petitioner's rights has been violated. The learned counsel for the third respondent further submits that the impugned notice has been issued with a notice which is not a final determination of fair rent. It is submitted that after the petitioner given his representation, the representation will be forwarded to the Fair Rent Fixation Committee and appropriate orders will be passed fixing the fair rent. In view of the above, the learned counsel for the third respondent submits that there is no merit in the present writ petition.

4. The learned counsel for the official respondents submits that the writ petition is pre-mature as the petitioner merely challenged the impugned notice issued by the third respondent.

5. I have considered the arguments advanced by the learned counsel for the petitioner, the learned Special Government Pleader for the respondents 1 and 2 and the learned counsel for the third respondent..

6. The petitioner has rushed to this Court without filing an objection. The statement of the learned counsel for the third respondent also stands recorded that the objection of the petitioner, dated 17.03.2022 will be forwarded to the Fair Rent Fixation Committee and thereafter, fair rent will be fixed and thereafter demand will be made.

7. In view of the above, writ petition stands dismissed by directing the respondents to forward the objections of the petitioner, dated 17.03.2022 to the Fair Rent Fixation Committee



for fixing the fair rent. On such fixation of fair rent, the petitioner shall pay appropriate rent together with arrears, if any. This exercise shall be carried out by the Fair Rent Fixation Committee within a period of three months from the date of receipt of copy of this order. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.
 - 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai.
 - 3.The Executive Officer,
Arulmigu Dhandayuthapani Swamy Temple,
Birla Vigram, Annakuli Mandapam Street,
Madurai-625 001.
- +1 CC to M/s.S. MANOHAR, Advocate (SR-16478[F] dated 05/04/2022)
- +1 CC to M/s.R. PONKARTHIKYEAN, Advocate (SR-16643[F] dated 05/04/2022)
- +1 CC to M/s.SPL.GP (SR-16717[F] dated 05/04/2022)

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