



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :26.04.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.8116 of 2022

WEB COPY

S.Banumathi

... Petitioner

Vs.

1.The Commissioner,
HR&CE Department,
Nunghambakkam, Chennai.

2.The Joint Commissioner,
HR&CE Department,
Myilladuthurai,
Thanjavur District.

3.The Executive Officer,
Arulmighu Saranatha Perumal Thirukoil,
Kumbakonam,
Thanjavur District.

4.The District Registrar,
Office of the District Registrar,
Thanjavur.

...Respondents

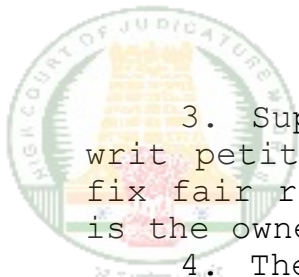
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 17.03.2022 for fixing a fair rent in respect of the property situated in New Survey No.43/2G (old Survey No.43/2), the site measuring 1456 square feet at Thirucherai Village, Kumbakonam Taluk and Tanjore District.

For Petitioner	: Mr.G.Dhanalakshmi
For R1, R2, R4	: Mr.P.T.Thiraviam
	Government Advocate
For R3	: Mr.V.Chandrasekar

ORDER

Heard the learned counsel for the petitioner, learned Government Advocate for the respondents 1, 2 and 4 and the learned counsel for the third respondent.

2. The petitioner has filed this writ petition though dismissing on an earlier writ petition was filed by her husband in W.P.(MD).No.5502 of 2022 for identical relief, which was dismissed vide order dated 29.03.2022 by giving liberty to the petitioner's husband to work out alternate remedy under Section 114 of the Hindu Religious and Charitable Endowments Act, 1959.



3. Suppressing the above fact, the petitioner has filed this writ petition for a writ of Mandamus to direct the respondents to fix fair rent. It is the case of the petitioner that the petitioner is the owner of the superstructure.

4. The facts on record seem to indicate that the proceedings under Section 78 of the Hindu Religious and Charitable Endowments Act, 1959 were initiated against the petitioner's husband and her husband was unsuccessful pursuant to the proceedings under Section 78 of the Hindu Religious and Charitable Endowments Act, 1959 was taken. The fact that the petitioner's husband had already filed writ petition and has been given liberty to challenge the order under Section 114 of the Hindu Religious and Charitable Endowments Act, 1959. I do not find any reasons to grant relief sought for in this writ petition. However, liberty is given to the petitioner to file an appropriate application along with her husband for suitable relief.

5. The writ petition stands dismissed with the above observations. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

- 1.The Commissioner,
HR&CE Department,
Nunghambakkam, Chennai.
- 2.The Joint Commissioner,
HR&CE Department,
Myilladuthurai, Thanjavur District.
- 3.The Executive Officer,
Arulmighu Saranatha Perumal Thirukoil,
Kumbakonam, Thanjavur District.
- 4.The District Registrar,
Office of the District Registrar, Thanjavur.

+1 CC to M/s.SPL.GP. (SR-21691[F] dated 27/04/2022)

+1 CC to M/s.G. DHANA LAKSHMI, Advocate (SR-21135[F] dated 26/04/2022)

W.P(MD).No.8116 of 2022

Date:26.04.2022

SA(19.05.2022) 2P 7C

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