



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.8168 of 2022

and

W.M.P(MD).No.6089 of 2022

WEB COPY

T.R.Dhamodaran

... Petitioner

Vs.

1.The Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowments Department,
Nungambakkam High Road,
Chennai.

2.The Joint Commissioner,
Tamil Nadu Hindu Religious Charitable Endowments Department,
Dindigul.

3.The Takkar,
Kamatchi Amman Thirukovil,
Thenkarai,
Periyakulam,
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned calculation sheet furnished to the petitioner through proceedings passed by the third respondent vide his proceedings in Na.Ka.No.27/1431 dated 04.02.2022 and consequential impugned notice passed by the third respondent in Notice Na.Ka.No.27/1431 dated 04.03.2022 and consequential impugned notice of Termination of Lease passed by the third respondent vide his proceedings in Na.Ka.No.27/1431 dated 13.04.2022 quash the same and consequentially to direct the respondents to fix the lease rent in respect of the petitioner's shop situate at T.S.No.2348/1 and 2, Periyakulam Taluk, Theni District strictly in accordance with Section 34-A of Hindu Religious and Charitable Endowments Act, 1959 and in accordance with the dictum laid down by this Court in the case of Arulmigu Angalaparameshwari Kasiviswanatharsamy Temple Adimani House Owners Association Vs State of Tamil Nadu (2009 6 CTC 512) within the period that may be stipulated by this Court.

For Petitioner	: Mr.M.Ajmal Khan, Senior Counsel for M/S.Ajmal Associates
For R1 & R2	: Mr.P.Subbaraj Special Government Pleader
For R3	: Mr.G.Mathavan



ORDER

After hearing the learned counsel for the petitioner, learned counsel for the official respondents and the learned counsel for the 3rd respondent, I am inclined to dispose of this writ petition by permitting the petitioner to file a statutory appeal before the Appellate Commissioner under Section 34A of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 subject to the petitioner depositing 30% of the arrears of rent as on date within a period of 30 days from the date of receipt of a copy of this order. The petitioner shall also pay 50% of the enhanced rent that has been determined now starting from 01.06.2022.

2.If the petitioner deposits 30% of the arrears of rent and 50% of the enhanced rent as directed above, the Appellate Commissioner shall entertain the appeal to be filed by the petitioner and dispose of the same on merits and in accordance with law expeditiously. The amount that is directed to be deposited including the enhanced rent, which is directed to be paid from 01.06.2022, shall be treated as deposit and will be subject to the final outcome of the orders to be passed in the appeal proceedings. It is needless to state that this order will stand vacated automatically, in case the petitioner fails either to pay the aforesaid amount, namely 30% of the disputed arrears of rent or 50% of the enhanced rent, which is directed to be paid from 01.06.2022, in which case the official respondents will be entitled to proceed against the petitioner in accordance with law. The amount paid by the petitioner will be treated as deposit and will be subject to the final appropriation and final outcome of the orders to be passed in the appeal proceedings. The Appellate Commissioner is directed to complete the proceedings within a period of 6 months from the date of filing of the appeal by the petitioner.

3.The writ petition stands disposed of, in terms of the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (A.D II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1.The Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowments Department,
Nungambakkam High Road,
Chennai.

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



2.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowments Department,
Dindigul.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-22050[F] dated
28/04/2022)

+1 CC to M/s.SPL. GP (SR-22994[F] dated 29/04/2022)

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27.04.2022

RS (25.05.2022) 3P-5C