



W.A(MD) No.448 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2022

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.A.(MD) No.448 of 2022
and C.M.P(MD) No.4314 of 2022**

J.Philip Rajiv

... Appellant

-VS-

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

2.The Executive Officer,
Arulmighu Manthikaliammankovil,
Main Road,
Dindigul,
Dindigul District.

... Respondents

PRAYER: Writ Appeal filed under Section IX of Letters Patent against
the order dated 31.03.2022 made in W.P.(MD)No.3926 of 2022.

For Appellant : Ms.H.Jasimayasmin
for Ajmal Associates

For Respondents : Mr.P.Subbaraj,
Spl. Government Pleader for R1
Mr.A.K.Baskara Pandian for R2



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JUDGMENT

(Judgment of the Court was delivered by D.KRISHNAKUMAR, J.)

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Challenging the order passed by this Court dated 31.03.2022, made in W.P.(MD)No.3926 of 2022, the appellant has come forward with this writ appeal.

2. The appellant / writ petitioner has filed a writ petition, challenging the order dated 04.02.2022, issued by the second respondent temple, whereby the appellant / writ petitioner has been called upon to pay the arrears of rent for a sum of Rs.10,43,768/-, failing which, proceedings under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act will be initiated. After hearing the parties, the Writ Court, by an order dated 31.03.2022, has disposed of the writ petition with a direction to the appellant / writ petitioner to pay 50% of the arrears in terms of the impugned notice, within a period of 30 days from the date of receipt of a copy of that order and if any such amount is deposited, the second respondent is directed to give calculations / working sheets to the appellant / writ petitioner so as to facilitate the appellant / writ petitioner to file appropriate objections to the same and



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thereafter, pass appropriate orders on merits and in accordance with law.

As against the said order, the appellant / writ petitioner has filed this Writ Appeal.

3. The learned counsel appearing for the appellant submitted that without issuing any provisional assessment notice and without giving any opportunity of hearing to the appellant / writ petitioner to file his objection, the respondents issued the demand notice, calling upon the appellant / writ petitioner to pay the arrears of rent. The learned Single Judge, without considering the said fact, has passed the impugned order and therefore, the same is liable to be set aside.

4. The learned counsel appearing for the second respondent submitted that as per the direction of the writ Court, the appellant / writ petitioner has deposited 50% of the arrears of rent. He further submitted that as per the direction of the writ Court, though they have issued calculations / working sheets to the appellant / writ petitioner, till date, the appellant / writ petitioner has not filed his objections to the same.

5. In view of the above submissions, we direct the appellant / writ



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petitioner to file his objections to the calculations / working sheet issued by the second respondent temple, within a period of two (2) weeks from the date of receipt of a copy of this order and on filing such objections, the second respondent temple is directed to consider the same and pass appropriate orders on merits and in accordance with law, after providing opportunity of hearing to the appellant / writ petitioner, within a period of six (6) weeks thereafter.

6. With the above direction, this Writ Appeal stands disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.]

[R.V., J.]

06.12.2022

Index : Yes / No

Internet : Yes / No

vsm



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D.KRISHNAKUMAR, J.
and



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R.VIJAYAKUMAR, J.

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