



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2022

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD) Nos.11553 to 11555 of 2019

and

W.M.P. (MD) Nos.8807 to 8815, 19919 and 19939 of 2019 and 3309 to 3311 of 2022

V.Mahesh ... Petitioner in W.P.(MD) No.11553 of 2019
V.Saravanan ... Petitioner in W.P.(MD) No.11554 of 2019
K.Mahalingam ... Petitioner in W.P.(MD) No.11555 of 2019

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment,
The Administration Department,
Chennai - 34.

2.The Joint Commissioner,
O/o. Joint Commissioner,
Hindu Religious and Charitable Endowment,
Madurai.

3.The Fit Person,
Arulmigu Santhakula Sowmiya,
Narayana Kavaraya Trust,
No.1, Gandhi Road,
Palani, Dindigul District.

...Respondents in all W.Ps.,

COMMON PRAYER :Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, to declare the impugned order dated 28.04.2017 in Mu.Mu.No.2727/2017 A4 on the file of Respondent No.2 and the consequential impugned Notices dated 21.01.2019 on the file of the Respondent No.3 as Null and void and consequently direct the respondent Nos.1 to 3 herein re-fix the monthly rent of the petitioners' shop at Shop Nos.1/26, 1/26A, 1/27, 1/27A and 1/22 respectively at Gandhi Road, Palani Town, Dindigul District within the time frame stipulated by this Court.



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For Petitioners
in all W.Ps.,

: Mr.T.Lajapathi Roy

For R1 & R2
in all W.Ps.,

: Mr.P.Subbaraj
Special Government Pleader

For R3
in all W.Ps.,

: Mr.M.Muthugeethayan

COMMON ORDER

These writ petitions have been filed for a Declaration to declare that the impugned order dated 28.04.2017 in Mu.Mu.No.2727/2017 A4 of the 2nd respondent and the consequential impugned notices dated 21.01.2019 issued by the 3rd respondent as Null and void and consequently direct the respondents 1 to 3 to re-fix the monthly rent of the petitioners' shops at Shop Nos.1/26, 1/26A, 1/27, 1/27A and 1/22 respectively situated at Gandhi Road, Palani Town, Dindigul District.

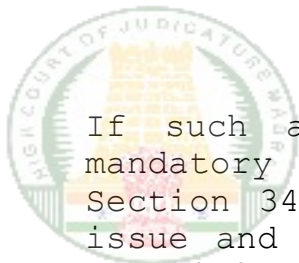
2.After the case was heard for some time, the learned counsel for the petitioners submits that the petitioners will workout their remedy under the provisions of the Act against the fixation of fair rent and therefore, the learned counsel for the petitioners prays that the delay in filing the appeal may be condoned, so that the appellate authority can pass appropriate orders on merits and in accordance with law.

3.The learned Special Government Pleader for the respondents 1 and 2 submits that the limitation under Section 34A is sacrosanct and therefore, it cannot be allowed to be diluted. It is further submitted that the fair rent was fixed on 28.03.2017 and the writ petitions were filed on 06.05.2019 and therefore, no further latitude can be given. It is further submitted that the writ petitions are challenging the notices and on this score, the writ petitions are also liable to be dismissed.

4.I have considered the arguments of the learned counsel for the petitioner, learned Special Government Pleader for the respondents 1 and 2 and the learned counsel for the 3rd respondent.

5.Considering the facts and circumstances of the case, I am inclined to grant liberty to the petitioners to approach the appellate authority by way of filing appeals under the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (*herein after referred to as Act*), subject to the petitioners remitting the arrears of the rent, in compliance of the requirements of Section 34A of the Act. Such appeals should be filed within a period of 30 days from the date of receipt of a copy of this order.

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



If such appeal is filed within such time together with other mandatory requirements for pre-deposit as it contemplated under Section 34A of the Act, the appellate authority shall examine the issue and decide the same on merits and in accordance with law as expeditiously as possible. In case, the petitioners fail to file such appeals within the period stipulated herein, the official respondents are at liberty to proceed against the petitioners, in terms of the impugned notices.

6. These writ petitions are disposed of, in terms of the above observation. No costs. Consequently, all the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(P & A)

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The Commissioner,
Hindu Religious and Charitable Endowment,
The Administration Department,
Chennai - 34.

2. The Joint Commissioner,
O/o. Joint Commissioner,
Hindu Religious and Charitable Endowment,
Madurai.

+1 CC to M/s.SPL GP (SR-10345[F] dated 07/03/2022)

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-10446[F] dated 07/03/2022)

+1 CC to M/s.M.MUTHUGEETHAYAN, Advocate (SR-10477[F] dated 07/03/2022)

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sb(CO)

TR(24.03.2022) 3P 6C