



W.P(MD).No.14392 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD).No.14392 of 2022

P.Prabakaran

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Madurai.

2.The Administrator,
Arulmigu Bairagi Mutt,
Madurai.

... 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 furnish the certified copy of the fixation of fair rent order in proceedings Moo.No. 2228/ of 2017 / A4 dated 23.03.2017 passed by the first respondent forthwith by considering the petitioner's representation dated 05.04.2022.

For Petitioner : M/s.M.Rajeswari,
For Mr.MA.P.Thangavel

For R-1 : Mr.M.Lingadurai,
Special Government Pleader.

For R-2 : Mr.S.Manohar,
Standing Counsel.



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ORDER

This Writ Petition has been filed seeking for issuance of Mandamus, directing the respondents to furnish the certified copy of the fixation of fair rent order in proceedings Moo.No. 2228/ of 2017 / A4 dated 23.03.2017 passed by the first respondent forthwith by considering the petitioner's representation dated 05.04.2022.

2. The learned counsel for the petitioner submitted that the petitioner had sent a representation to the trustee, SriBairagi Madam, seeking for certified copy of the fixation of fair rent proceedings in Moo.No. 2228/ of 2017 / A4 dated 23.03.2017 along with the supporting documents.

3. The learned Special Government Pleader appearing for the first respondent submitted that only after following the procedures, the fair rent order has been passed on 23.03.2017.

4. The learned Standing counsel appearing for the second respondent submitted that today they produced the photocopy of fair rent order along with the working sheet showing the adjacent properties. As far as the petitioner is concerned, the petitioner is a tenant running a commercial business in the name of Sri Parameswary Stores Delux and Textiles and fair



rent fixed at Rs.48,560/-. (Rupees Forty Eight Thousand and Five Hundred and Sixty only).

5. The learned counsel for the respondents submitted that the delay at any costs to be favourably construed.

6. The learned counsel for the second respondent submitted that the petitioner is not aware about the fair rent proceedings. The petitioner is aware about the fixation of fair rent which has been done in the year 2017.

7. I have considered the matter in the light of the submissions made by learned counsel for all the parties and perused the records.

8. Perusal of the records reveals the fact that the petitioner had neither file a protest petition nor paid the fair rent amount. In view of the same, the petitioner is declared as encroacher and the proceedings have been initiated under Section 78 and the petitioner was ordered to be evicted. Challenging the order, the petitioner had filed R.P.No.21 of 2020 before the Commissioner, Hindu Religious and Charitable Endowments. In view of the same, the petitioner cannot be stated to be person, who is not aware about the earlier proceedings.



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9. It is seen from the records that the petitioner had already filed a Revision Petition in R.P.No.21 of 2020 before the Commissioner, Hindu Religious and Charitable Endowments, which is pending for adjudication. The petitioner has been now served with the copy of the working sheet and fair rent fixation which shall may be used in the Revision Petition before the Commissioner to defend his claims.

10. With the above observation, this Writ Petition is disposed of. There shall be no order as to costs.

01.08.2022

Index : Yes / No
Internet : Yes/ No
Nsr

To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Madurai.

2.The Administrator,
Arulmigu Bairagi Mutt,
Madurai.



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M.NIRMAL KUMAR, J.

Nsr

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