



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.02.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

**W.P. (MD) No.6349 of 2018**

**and**

**WMP(MD) No.6197 of 2018**

WEB COPY

P.Pandiarajan

... Petitioner

/vs./

1.The Commissioner,  
Hindu Religious and Charitable  
Endowment Department,  
Administration Department,  
Chennai - 600 034

2. Takkar/The Executive Officer,  
Arulmigu Meenatchi Sundara Vinayakar,  
Nanthavanakattalai,  
Virudhunagar District.

... Respondents

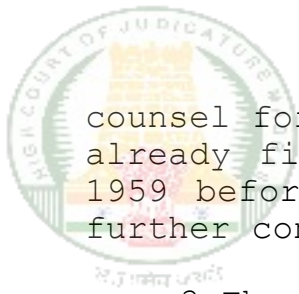
**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the 1<sup>st</sup> respondent impugned order dated 28.02.2018 in R.C.No.68049/2017/D2 and served dated 09.03.2018 by the 2<sup>nd</sup> respondent quash the same and consequently directing the respondents to refix the revised rent as per guidance of market value in accordance with law according to that 1<sup>st</sup> respondent, to number the Main Appeal in R.C.No.68049/2017/D2 for initiating the trial proceedings.

|                |                                               |
|----------------|-----------------------------------------------|
| For Petitioner | : M/s.S.Mahalakkshmi                          |
| For R1         | : Mr.P.Subbaraj<br>Special Government Pleader |
| For R2         | : Mr.P.Mahendran<br>Standing Counsel          |

**ORDER**

The petitioner has filed the present writ petition for a Certiorarified Mandamus, calling for the records of the impugned order of the 1<sup>st</sup> respondent dated 28.02.2018 in R.C.No.68049/2017/D2 served by the 2<sup>nd</sup> respondent vide letter dated 09.03.2018 quash the same and consequently direct the respondents to refix the revised rent, as per the guidance of market value in accordance with law to number the Main Appeal in R.C.No.68049/2017/D2 for initiating the trial proceedings.

2.After hearing the learned counsel for the petitioner, learned Special Government Pleader for the 1<sup>st</sup> respondent and the learned



counsel for the 2<sup>nd</sup> respondent, it is noticed that the petitioner has already filed an appeal under Section 34 (A) of the HR & CE Act, 1959 before the 1<sup>st</sup> respondent and therefore, nothing survives for further consideration in this writ petition.

3.The learned Special Government Pleader for the 1<sup>st</sup> respondent submits that there was an interim order dated 27.03.2018, as per which the petitioner was directed to pay arrears as on the date of the order in four equal monthly installments before the 2<sup>nd</sup> respondent. The petitioner was also directed to pay the revised rent without any default, till the disposal of the writ petition.

4.It is noticed that the aforesaid order was a conditional order. It however did not preclude the official respondent from initiating appropriate action against the petitioner if there was a failure to pay the revised rent. At the same time, there cannot be any positive direction in this writ petition at the time of disposal as there is no final determination. The interim order merely gives protection to the petitioner till the disposal of the writ petition.

5.In view of the above, the writ petition stands disposed of with liberty to the 1<sup>st</sup> respondent to initiate action against the petitioner in accordance with law, if the petitioner is in arrears and has failed to comply with the orders of this Court. The 1<sup>st</sup> respondent is requested to dispose of the appeal filed by the petitioner preferably within a period of 8 weeks from the date of receipt of a copy of this order, if the petitioner has pre-deposited the disputed rent till the date of appeal. No costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To  
The Commissioner,  
Hindu Religious and Charitable Endowment Department,  
Administration Department, Chennai - 600 034

+1 CC to M/s.P.MAHENDRAN, Advocate ( SR-7351[F] dated 21/02/2022 )  
+1 CC to M/s.SPL GP ( SR-7782[F] dated 22/02/2022 )

**W.P. (MD) No.6349 of 2018**  
**21.02.2022**

KMV (CO)  
GC(15.03.2022) 2P 4C

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