



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2022

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WEB COPY

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.6852 of 2018

and

W.M.P(MD).No.6597, 6598 and 6599 of 2018

T.Balaji

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Trivandrum Road, Palayamkottai,
Tirunelveli -2.

2.The Executive Officer,
Arulmigu Kannamman Pudhu Amman Koil,
Melaveeraravapuram,
Tirunelveli Junction & District.

3.The Tirunelveli Corporation,
S.N.High Road,
Tirunelveli,
Through its Commissioner.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondents impugned notice dated 03.03.2018 and quash the same and direct the respondents to fix fair rent of the 4 shops having numbers 155-159, Plot No.11, Ward No.11, S.N. High Road, Tirunelveli Junction within a time frame to be fixed by this Honourable Court.

For Petitioner	: Mr.T.S.R.Venkataramana
For R1	: Mr.P.T.Thiraviam Government Advocate
For R2	: Mr.S.Manohar
For R3	: Mr.Aayiram K.Selvakumar

ORDER

After hearing the learned counsel for the petitioner and the learned counsel for the respondents, this writ petition is disposed. It is noted that the impugned notice has been issued for fixation of fair rent.



2. The learned counsel for the respondents, on instructions, submits that the Government had issued G.O.Ms.No.456 of 2019, dated 10.11.2019 notifying the fair rent for the property. The notification issued by the Government in G.O.Ms.No.456 of 2019 was the basis for demanding enhanced rent from the petitioner, after the committee fixed the fair rent. The learned counsel for the respondents submits that appropriate orders will be passed after a fresh notice issued. It is submitted that in case, the petitioner is still aggrieved, appropriate remedy can be worked out under Section 34 A of The Hindu Religious and Charitable Endowments Act, 1951.

3. In view of the above, the impugned order is quashed and the writ petition is disposed of by directing the second respondent to issue appropriate notice to the petitioner incorporating the details of the Government order in G.O.Ms.No.456 of 2019, dated 10.11.2019 within a period of thirty days from the date of receipt of copy of this order and pass final order after hearing the petitioner and considering the representations of the petitioner if any. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Trivandrum Road, Palayamkottai,
Tirunelveli -2.

2.The Executive Officer,
Arulmigu Kannamman Pudhu Amman Koil,
Melaveeraravapuram,
Tirunelveli Junction & District.



3.The Commissioner,
The Tirunelveli Corporation,
S.N.High Road,
Tirunelveli,

+1 CC to M/s.T.S.R.VENKAT RAMANA, Advocate (SR-7304[F] dated
21/02/2022)

+1 CC to M/s.S.MANO HAR, Advocate (SR-7369[F] dated 21/02/2022)

+1 CC to M/s.SPL GP (SR-7413[F] dated 21/02/2022)

W.P (MD) .No.6852 of 2018
18.02.2022

SE (CO)
KB (05.03.2022) 3P 7C