



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.04.2022**

CORAM:

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

W.P. (MD) No.24154 of 2017

and

W.M.P. (MD) No.20274 of 2017

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M.Palanichamy

... Petitioner

/vs./

1.The Commissioner,
Hindu Religious and Charitable Endowment,
Nunkampakkam,
Chennai 600 034.

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

3.Arulmigu Meenatchi Sundhareshwarar Thirukovil,
through its Executive Officer, Antipatti,
Andipatti Taluk,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned order dated Nil of the 3rd respondent and to quash the same.

For Petitioner : Mr.V.Santhakumaresan

For R1 & R2 : Mr.P.T.Thiraviam
Government Advocate

For R3 : Mr.C.Guhaseelarupan

ORDER

The petitioner has challenged the impugned demand notice seeking to demand arrears of rent of Rs.41,007/- from the petitioner for the period commencing from 01.07.2016 to 30.11.2017.

2.It is the specific case of the petitioner that the petitioner was regularly paying the rent of Rs.222/-, which was collected by the 3rd respondent temple. However, the rent was drastically enhanced to Rs.2,310/- without complying with the statutory safeguards prescribed under Section 34A of the Tamil Nadu HR & CE Act, 1959 (herein after referred to as Act). It is submitted that there is no determination of fair rent by the Fair Rent Fixation



Committee and no notice in terms of the decision of the Division Bench of this Court in the case of **Arulmigu Angala Parameswari and Kasivishwanathaswami Temple Adimanaiveal House Owners Association Vs. The State of Tamil Nadu, represented by its Secretary, Chennai and another** reported in 2009 (6) CTC 512.

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3.I have considered the arguments advanced by the learned counsel for the petitioner, learned Government Advocate for the respondents 1 and 2 and the learned counsel for the 3rd respondent.

4.Whether the rents have been enhanced in tune with the decision of the Division Bench of this Court in *Angala Parameswari's case (referred supra)* or not is not discernible from the averments contained in the affidavit.

5.Be that as it may, I am inclined to permit the petitioner to challenge the impugned order before the 1st respondent/the Commissioner by way of filing an appeal under Section 34A of the Act subject to the petitioner paying 50% of arrears of the amount demanded in the impugned demand notice dated 30.11.2017 within a period of 60 days from the date of receipt of a copy of this order. In case, such an appeal is filed within such time along with 50% deposit, the 1st respondent shall entertain the appeal and dispose of the same on merits and in accordance with law. The petitioner is also directed to pay the enhanced rent until there is a final determination of the dispute by the 1st respondent/the Commissioner. In case, the petitioner fails to pay 50% of arrears of rent as stated above, this order shall stand vacated automatically without further reference to this Court. The amounts to be paid by the petitioner shall be subject to the final determination of arrears to be paid or excess to be refunded in terms of the decision of the Appellate Commissioner.

6.The writ petition stands disposed of, in terms of the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

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/ /2022

Sub Assistant Registrar(CS)

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To

1.The Commissioner,
Hindu Religious and Charitable Endowment,
Nunkampakkam,
Chennai 600 034.

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

+1 CC to M/s.C. GUHASEELARUPAN, Advocate (SR-21108[F] dated
26/04/2022)

+1 CC to M/s.SPL.GP. (SR-21150[F] dated 26/04/2022)

W.P. (MD) No.24154 of 2017
22.04.2022

MGJ(10.05.2022) 3P 5C