



WEB COPY



W.P.No.1833 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.1833 of 2023

D. Kalarimuthu

...Petitioner

Vs.

1. The Commissioner

Hindu Religious and Charitable Endowments Department
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 34.

2. The Joint Commissioner

Hindu Religious and Charitable Endowments Department
128, Yadaval Street, Padi, Chennai – 50.

3. The Executive Officer

Arulmigu Ellaiaimman Thirukoil,
Periamet,
Chennai - 3

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
for issuance of a Writ of Mandamus, directing the 1st Respondent to consider
my representation dated 11.07.2022.

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For Petitioner : Ms. A.D. Banupriya
for Mr.T.Senthilkumaran

For Respondents : Mr. K. Karthikeyan
Government Advocate (HR & CE)

ORDER

The writ petition is filed seeking direction to 1st respondent to consider the petitioner's representation dated 11.07.2022 in accordance with law and pass final orders.

2. According to the petitioner, he is a tenant of the commercial property belongs to the 2nd respondent temple. The rent fixed for the property was raised from Rs.3,800 to Rs.27,000 in the year 2017 without issuing any notice inviting objection from the petitioner. It is also stated by the petitioner that he has submitted a representation to the 1st and 2nd respondents on 11.07.2022 seeking refixation of fair rent as per the new guidelines issued under G.O.Ms.No.208 dated 09.12.2021 and the same has not been considered.



3. Mr.K.Karthikeyan, learned Government Advocate (HR&CE) for the respondents submitted that the fair rent was fixed in the year 2017 itself and the same has not been challenged by the petitioner in the manner known to law and therefore, the petitioner is not entitled to seek revision of the fair rent at this belated stage.

4. The petitioner submitted a representation seeking refixation of fair rent as per the guidelines issued by G.O.Ms.No.208 dated 09.12.2021.

5. In view of the fact that though representation was submitted by the petitioner as early as 11.07.2022, subsequently the writ petition is also dismissed for default, this Court is inclined to issue a direction to the petitioner to give a fresh representation to the 1st respondent within a period of two weeks from the date of receipt of a copy of this order. On such submission of representation by the petitioner, the 1st respondent is directed to consider the same and pass orders on merits and in accordance with law after affording an opportunity to the petitioner within a period of twelve weeks thereafter.



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6. With the above directions, this writ petition is disposed of. No costs.

25.08.2023
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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
nr

To

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S.SOUNTHAR, J.
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