



Writ Petition No.732 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11/1/2023

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition No.732 of 2023

a n d

W.M.P.Nos.671, 674 and 676 of 2023

Kushma Kumari @ Yamini

...

Petitioner

Vs

1. The Commissioner
Hindu Religious and Charitable
Endowment Department
Nungambakkam
Chennai 600 034.

2. The Executive Officer
Arulmighu Aranganatha Swamy Thirukoil
No.42 Mulla Street, Sowcarpet
Chennai 600 079.

...

Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the Proceedings dated 18/8/2022 issued by the second respondent and quash the same and direct the second respondent to desal the premises bearing Door No.10 Audiappa Naicken Street, Chennai 600 001.



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For Petitioner ... Mr.L.Chandrakumar
For respondents ... Mr.N.R.R.Arun Natarajan
Special Government Pleader

ORDER

By consent, the writ petition is taken up for final disposal.

2. This writ petition has been filed to quash the Proceeding, dated 18/8/2022, issued by the second respondent and direct the second respondent to desal the premises, bearing Door No.10 Audiappa Naicken Street, Chennai 600 001.

3. The case of the petitioner is that the property bearing Door No.10/19 Audiappa Chetty Street, Chennai, is belonging to the second respondent temple. The said property was leased out to the petitioner's father by the second respondent temple long back. He constructed a building, with the permission of the second respondent temple and was in possession and enjoyment of the same by paying the rent of Rs.200/- p.m. Father of the petitioner died on 27/7/1987.

4. The second respondent has issued a cancellation order, dated



18/8/2022, wherein, it has been categorically stated that the rent of Rs.5,91,750/- was not paid and cancelled the lease with effect from 20/9/2022 and directed to handover the possession, failing which proceedings will be initiated, under Sections 34 – B and 78 of the Hindu Religious and Charitable Endowment Act, and further, directed to pay a sum of Rs.13,09,240/- being the arrears of rent.

5. The main grievance of the petitioner is that originally, the rent was only Rs.2,000/-. Without serving notice on the petitioner, fair rent has been fixed at Rs.22,000/-. Hence, the petitioner had come forward with the instant writ petition praying for the relief as stated supra.

6. Heard Mr.L.Chandrakumar, learned counsel for the petitioner.

7. Mr.N.R.R.Arun Natarajan, learned Special Government Pleader takes notice for the respondents.

8. The learned Special Government Pleader appearing for the respondents submitted that one sub-tenant - Mr.Duraikannu has already filed a writ petition, in W.P.No.31247 of 2022, wherein the petitioner herein was one



of the respondents. When the matter was taken up for hearing, on 2/12/2022, counsel for the petitioner therein, submitted that the petitioner would prefer to vacate from the premises.

9. It is not in dispute that the petitioner herein is the original tenant. Considering the fact that no opportunity has been given to the petitioner, while fixing the fair rent, when this Court asked whether the petitioner is ready to pay 50% of arrears amount of Rs.13,09,240/-, learned counsel appearing for the petitioner requests two months time to pay 50% of the arrears amount.

10. Accordingly, the petitioner is directed to pay 50% of the arrears amount of Rs.13,09,240/- (Rupees Thirteen lakhs nine thousand two hundred and forty only), within a period of two months, from today and the first instalment shall be paid within a period of one month from today. On such payment, the respondents are directed to de-seal the premises. In the meanwhile, respondents shall serve notice on the petitioner and fix the fair rent and the petitioner shall continue to pay the fair rent as undertaken before this Court, without any protest. In the event, the petitioner fails to pay the fair rent fixed by the respondents, the respondents are entitled to proceed as per law for eviction.



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11. Learned counsel appearing for the petitioner assured that whatever the rent fixed by the respondents, he will abide by the same and continue to pay the same.

12. With the above direction, this writ petition is disposed of, at the admission stage itself. No costs. Consequently, the connected Miscellaneous Petitions are closed.

11/1/2023

Index : Yes / No
Internet: Yes
Speaking/non speaking order
Neutral Citation: Yes/No

mvs.

N. SATHISH KUMAR, J



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To

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