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W.P.No.3872 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2023

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THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

W.P.No.3872 of 2023

Lakshmi Ramamurthy

... Petitioner

Versus

1. The Commissioner
Hindu Religious and Charitable Endowments
Department, Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.

2. Arulmigu Pathala Ponnamman Temple,
Rep. By its Executive Officer,
No.49, Barnaby Road, Kilpauk,
Chennai-10.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, Directing the 1st respondent to determine the fair rent by following the procedure under Sect. 34A of HR and CE Act 1959 and also as per order G.O.Ms.298, dated 20.07.2010 to the petitioners residential property bearing Door no. 198/1, Vellala Street Puraswalkam, Chennai - 600084 consider the representations dated 14.08.2000 , 25.11.2014, 12.12.2019, 17.06.2021 and 06.10.2022.

For Petitioner
For Respondent

: Mr.G.Sukumaran
: Mr.N.R.R.Arun Natarajan
SGP (HR & CE) RR1 & 2



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ORDER

This writ petition has been filed seeking a direction to the 1st respondent to determine the fair rent by following the procedure under Sect. 34A of HR and CE Act 1959 and also as per order G.O.Ms.298, dated 20.07.2010 to the petitioners residential property bearing Door no. 198/1, Vellala Street Puraswalkam, Chennai - 600084 consider the representations dated 14.08.2000, 25.11.2014, 12.12.2019, 17.06.2021 and 06.10.2022.

2. It is the grievance of the writ petitioner that the temple land comprised in R.S.No.140 at Vellala Street, Puraswakkam, Chennai and the superstructure thereon acquired by Ganesa Mudaliar and Shanmuga Mudhaliar under Settlement Deed executed by their grand parents and on 10.12.1935 they have partitioned and the property bearing Door No.197, Vellala Street, Chennai-84 was taken by Ganesa Mudhaliar as his share and door No.198, Vellalar Street, Chennai measuring 1788 sq. ft. was taken by Shanmuga Mudhaliar and enjoyed the properties.

3. The petitioner has purchased superstructure with lease land measuring 747 sq. ft. out of 1788 sq. ft. from the legal heirs of Late Shanmuga Mudhaliar under the registered sale deed dated 30.06.1981 and thereafter, the property has



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been sub-divided and assigned new door No.198/1, Vellala Street, Chennai. The petitioner has made repeated representations to the respondents for the fixation of fair rent to his property and the same has not been considered so far and hence, the present writ petition has been filed.

4. The learned counsel for the petitioner submitted that this Court may direct the respondents to consider the petitioner's representation and pass appropriate orders within the stipulated time as fixed by this Court.

5. Mr.N.R.R.Arun Natarajan, learned Special Government Pleader takes notice on behalf of the respondents.

6. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing on behalf of the respondents 1 & 2 and perused materials available on record.

7. Considering the facts and circumstances of the case and in view of the limited request made by the learned counsel for the petitioner, this Court directs the first respondent to consider the petitioner's representations and pass



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appropriate orders, after giving opportunity to the petitioner, within a period of three months from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. No cost.

02.03.2023

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To

The Commissioner
Hindu Religious and Charitable Endowments
Department, Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.



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N.SATHISH KUMAR, J.

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