



W.P.No.26897 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 2.2.2023

CORAM

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

W.P.No.26897 of 2015
and M.P.No. 2 of 2015

V.Ananda Mudaliar

... Petitioner

Vs.

1 The Joint Commissioner,
Hindu Religious & Charitable Endowments
Department, Villupuram.

2 The Executive Officer,
Arulmighu Pataleeswarar Thirukkoil,
Cuddalore-607 002.

... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, to call for the records and quash the calculation memo dated 26.02.2015 issued by the 2nd respondent.

For Petitioner	:	No appearance
For Respondent No.1	:	Mr.P.Rajendran, A.G.P.
For Respondent No.2	:	Mr.K.V.Dhanapalan

ORDER

Challenging the fair rent fixed by the respondent, the instant writ petition has been filed mainly on the ground that the fair rent has not been fixed as per the provisions of the H.R. & C.E. Act.



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2. A perusal of a letter addressed to the Special Government Pleader

by the second respondent shows that pursuant to the fair rent fixed by the respondent, a suit filed by the second respondent in O.S.No.102 of 2001 before the District Munsif Court, Cuddalore was dismissed and the Civil Court directed the respondents to take action as per Sec.78 of H.R. & C.E. Act. Appeal filed in A.S.No.72 of 2006 before the Sub Court, Cuddalore also dismissed. Thereafter, it appears that proceedings under Sec.78 of H.R. & C.E. Act has also been initiated against the petitioner. Challenging the same, the petitioner has filed W.P.No.4567 of 2010 and the same was dismissed by this Court in the year 2012. Again, another writ petition filed by the petitioner in W.P.No.4612 of 2010 also dismissed. Thereafter, again appeal preferred as against the fair rent fixed by the respondent has also been dismissed. Pursuant to the same, Proceedings under Sec.78 of H.R.& C.E. Act has been initiated. Challenging the said proceedings, writ petition filed by the petitioner in W.P.No.6811 of 2014 has also been dismissed on 28.8.2018.

3. Civil Court dismissed the Suit filed by the second respondent in O.S.No.102 of 2001 before the District Munsif Court, Cuddalore and directed the respondents to take action as per Sec.78 of H.R. & C.E. Act. Taking advantage of the dismissal of the civil suit proceedings, the petitioner has already filed three writ petitions one after another and the same were dismissed by this Court. Therefore, this Court is of the view that the petitioner prolonged the fair rent



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proceedings initiated by the respondent for more than 20 years without any basis

and therefore, there is no merit in the writ petition and consequently, the writ petition is liable to be dismissed.

4. Accordingly, the writ petition stands dismissed. No costs.

Connected miscellaneous petition is also closed.

2.2.2023

Speaking/Non Speaking order

Neutral citation: Yes/No

Index: Yes/No

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To

- 1 The Joint Commissioner,
Hindu Religious & Charitable Endowments Department, Villupuram.
- 2 The Executive Officer,
Arulmighu Pataleeswarar Thirukkoil, Cuddalore-607 002.



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N.SATHISH KUMAR, J.

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