



WEB COPY



W.P.No.17531 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.17531 of 2023

and

WMP.No.16658 of 2023

T.C.Chitrarasu

...Petitioner

Vs.

1.The Commissioner

Hindu Religious and Charitable Endowments Department
Chennai 600 024.

2.The Joint Commissioner

Hindu Religious and Charitable Endowments Department
Vellore.

3.The Executive Officer

Arulmighu Vedhagireeswarar Thirukkoil
Thirukkazukkundram
Chenglpattu District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned demand notice dated 15.09.2021 issued by the third respondent herein and quash the same as being illegal, arbitrary and contrary



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to the provisions of law and consequently direct the third respondent herein to re-fix the fair rent after giving sufficient opportunity to the petitioner herein as per the guidelines issued by the first respondent herein in Na.Ka.No.40651/2008/M3 dated 02.02.2009.

For Petitioner : Ms.Dipthi Munotha.A
for Mr.K.V.Babu

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader

ORDER

The Writ Petition is filed challenging the impugned demand notice issued by the third respondent dated 15.09.2021.

2. Under the impugned demand notice, third respondent fixed the fair rent for the premises in occupation of the petitioner as lessee and demanded arrears of fair rent from 01.07.2016.

3. The impugned demand notice was challenged mainly on the ground that the third respondent in the impugned demand notice without calling for objection from the petitioner regarding fixation of fair rent, fixed



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fair rent. Therefore, the fair rent fixed by the third respondent is unilateral and the same is violation of natural justice principles.

4. The learned counsel for the petitioner submitted that there is discrepancy with regard to the extent of premises in occupation of the petitioner in the impugned demand notice and the annexure to the notice.

5. The learned counsel for the petitioner further relied on the judgment of this Court in ***J.A.C.Raj Vs. The Commissioner, Hindu Religious and Charitable Endowments Department and Ors.***, reported in ***MANU/TN/6189/2022*** for the proposition that the fixation of fair rent without show cause notice to the lessee involves civil consequences.

6. In view of the point raised by the learned counsel for the petitioner that the impugned demand notice fixing fair rent from 01.07.2016 has been done by the third respondent without issuing show cause notice to the petitioner before the fixing fair rent, this Court is inclined to direct the third respondent to treat the impugned demand notice as show cause notice for fixation of fair rent.



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7. The petitioner is directed to submit her objection to the impugned demand notice within a period of four weeks from the date of receipt of copy of this order. Thereafter, the third respondent shall place it before the committee constituted under Section 34 A of the Tamil Nadu Hindu Religious & Charitable Endowment Act, and any fair rent fixed by the Competent Committee shall be communicated to the petitioner in the manner known to law. The fixation of fair rent by the committee shall be completed within four weeks from the date of submission of objections by the petitioner. If no objection is submitted by the petitioner within the time indicated above, it is open to the respondents to proceed in accordance with law, as if petitioner has no objection.

8. It is brought to the notice of this Court that as per the conditional interim order passed by this Court, the petitioner deposited a sum of Rs.2,00,000/-. Any amount paid by the petitioner in pursuance of the interim order, shall be adjusted with the fair rent to be fixed by the Committee.



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9. The petitioner is directed to pay the rent at the rate of Rs.5055/-

till the fixation of fair rent by the Committee as directed above. In case, the fair rent fixed by the Committee is less than the amount already fixed, the petitioner is entitled to adjust the differential amount with regard to the future rent. When the objections of the petitioner is considered by the committee, the objections if any made by the petitioner with regard to the right of the third respondent to fix the fair rent with retrospective effect should also be considered by the committee.

10. With the above directions, this Writ Petition is disposed of.

No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

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S.SOUNTHAR, J.
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To

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