



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 28.06.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WP No.19223 of 2023

M.Thiyagarajan

...Petitioner

Vs

1.The Commissioner,
Hindu Religious and Charitable Endowment Department, (HR & CE)
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.

2.The Executive Officer,
Sri Muthukumaraswamy Devasthanam,
No.44, Rasappa Chetty Street,
Chennai – 600 003.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent to implement the order passed by the 1st respondent in A.P.No.41/2018 dated 07.09.2020 and Circular in Na.Ka.No.4551/2022/M2 dated 10.03.2022 respectively and further direction directing the 2nd respondent to adjust the excess amount of Rs.55,830/- paid by the petitioner as rent in respect of the premises No.466, T.H.Road, Old Washermenpet, Chennai – 600 021 for the month of March 2021 to till date.



For Petitioner : Mr.C.Samivel

For Respondents : Mr.S.Yaswanth
Additional Government Pleader

ORDER

This writ petition has been filed for issue of writ of mandamus directing the 2nd respondent to comply with the order passed by the 1st respondent in A.P.No.41 of 2018, dated 07.09.2020.

2.The petitioner is a lessee under Muthukumaraswamy Devasthanam. The Executive Officer of the temple fixed a fair rent of Rs.2,300/- per month w.e.f. 01.07.2016 and demanded the payment of arrears of rent from the petitioner to the tune of Rs.21,880/-. The petitioner challenged this demand made by the Executive Officer before the 1st respondent in A.P.No.41 of 2018. This appeal was allowed by the Commissioner through order dated 07.09.2020 and the fair rent that was fixed was set aside and the matter was remanded back to the temple to fix the revised fair rent as per Section 34-A of the Hindu Religious and Charitable Endowments Act, 1959 (herein after called as “the Act”) after strictly complying with the Circular instructions issued by the Commissioner in proceedings dated 03.02.2009.



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3.The further case of the petitioner is that after the order was passed by the 1st respondent, the temple represented by the Executive Officer issued a notice dated 13.07.2022, fixing a tentative rent and the objections were called from the petitioner. The petitioner also gave the objections. Since no decision was taken by the 2nd respondent, the petitioner was making repeated representations. The petitioner was also requesting for the adjustment of certain amounts which were paid by the petitioner as rent. The representations did not evoke any response and left with no other option, the present writ petition has been filed before this Court.

4.Heard Mr.C.Samivel, learned counsel appearing on behalf of the petitioner and Mr.S.Yaswanth, learned Additional Government Pleader appearing on behalf of the respondents.

5.The learned Additional Government Pleader appearing on behalf of the respondents submitted that the 2nd respondent is in the process of finalizing the fair rent payable by the petitioner and requested this Court for some time.



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6.Considering the submission made by the learned Additional Government Pleader, there shall be a direction to the 2nd respondent to fix the fair rent as directed by the 1st respondent while passing in A.P.No.41 of 2018 dated 07.09.2020 and the intimation shall be sent to the petitioner, within a period of four weeks from the date of receipt of copy of this order.

7.This writ petition is disposed of in the above terms. No Costs.

28.06.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
SSR

To

1.The Commissioner,
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No.119, Uthamar Gandhi Salai,
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Chennai – 600 034.



2. The Executive Officer,
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N.ANAND VENKATESH, J

SSR

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