



WEB COPY



W.P.No.389 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.09.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.389 of 2014
and W.M.P Nos.1 & 2 of 2014

- 1.M.V.Ramu (Deceased)
- 2.Bharathi
- 3.R.Baskar
- 4.Mohana Lakshmi
- 5.Jijendran

...Petitioners

(P2 to P5 substituted as Legal Heirs of
deceased sole petitioner vide order dated
07.07.2021 made in W.P.No.389/2014
by ASMJ)

Vs.

- 1.The Secretary Government of Tamil Nadu
Hindu Religious and Charitable Department
Fort. St. George,
Chennai.
- 2.The Commissioner,
Hindu Religious and Charitable Endowments Board
Chennai -34
- 3.Joint Commissioner,
Hindu Religious and Charitable Endowments Board
Vellore - 9



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4.The Executive Officer
Arulmighu Nadeeswar Temple,
Nanthewaram, Kuduvancherry,
Kancheepuram District.

5.The District Collector
Kancheepuram District
Kancheepuram.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the proceedings of the 2nd respondent in Na.Ka.No.36620/2013 V2 dated 28.11.2013 and quash the same.

For Petitioners : Mr.R.Suresh Kumar
for M/s.K.M.Vijayan Associates

For Respondents 1 to 3 & 5 : Mr. K. Karthikeyan,
Government Advocate (HR &CE)

For Respondent 4 : Mr.S.Surya
for M/s.A.S.Kailasam & Associates

ORDER

The writ petition is filed challenging the order passed by the 2nd respondent rejecting the request of the petitioner for renewal of lease.

2.The impugned order was passed mainly on the ground that the



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petitioner failed to agree for payment of fair rent fixed at the rate of Rs.3,64,315/- per month. Since the fixation of fair rent was not properly done by the Committee constituted under Section 34(A) of the Tamil Nadu Hindu religious and Charitable Endowments Act, 1959 and the order fixing fair rent was also not served on the petitioner, this Court by order dated 14.07.2021, directed the petitioner to file a Revision before the Competent Authority and the Authority was directed to consider the same and pass orders within a period of three weeks. In pursuance of the directions issued by this Court, fair rent was fixed by the Committee headed by the 3rd respondent at the rate of Rs.1,31,000/- per month and the same was also communicated to the petitioner.

3.The learned counsel for the petitioner submits that his client is agreeable for the fair rent fixed by the Committee headed by the 3rd respondent at the rate of Rs.1,31,000/- per month.

4.The learned Government Advocate appearing for the respondents 1 to 3 & 5 submits that as per the fair rent fixed by the 3rd respondent at the rate of Rs.1,31,000/- per month, the petitioner is liable to pay the rental arrears from



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01.07.2021 to till date. According to the learned counsel, the arrears of rent as per the newly fixed fair rent is Rs.19,17,000/- till September 2023.

5.The learned counsel for the petitioner agreed to pay the rental arrears within a period of four weeks from today (22.09.2023). On such payment of rental arrears, the petitioner is directed to file a fresh application before the 2nd respondent seeking renewal of lease. If any such application is filed by the petitioner, the 2nd respondent shall consider the same and pass fresh orders on merits and in accordance with law within a period of twelve weeks from the date of filing of application.

6.With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

22.09.2023

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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