



W.A.No.2568 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.2568 of 2022

The South Indian National Association
and Ranade Library
represented by its Hon.Secretary
Mr.K.S.Hemanth Kumar
No.40, Luz Church Road
Mylapore, Chennai 600 004

.. Appellant

v.

1. Joint Commissioner
Hindu Religious and Charitable
Endowment Department
Chennai Zone-2
Ramakrishna Mutt Road
Mylapore, Chennai 600 004

2. Assistant Commissioner
Hindu Religious and Charitable
Endowment Department
Padi, Chennai 600 050



W.A.No.2568 of 2022

3. Executive Officer

Arulmigu Kapaleeswarar Thirukoil

Mylapore, Chennai 600 004

.. Respondents

Appeal filed under Clause 15 of the Letters Patent, against the order dated 18.07.2022 passed in W.P.No.10832 of 2022.

For Appellant :: Mr.R.Parthasarathy
Senior Counsel for
Mr.Rahul Balaji

For Respondents :: Mr.R.Shunmugasundaram
Advocate General assisted by
Mr.N.R.R.Arun Natarajan
Special Government Pleader
for R1 & R2
Mr.A.K.Sriram
Senior Counsel
for M/s A.S.Kailasam and Associates
for R3

JUDGMENT

(Judgment of the Court was made by the Hon'ble Acting Chief Justice)

This writ appeal has been filed against the impugned order dated 18.07.2022 passed by the learned single Judge in Writ Petition No.10832 of 2022.



W.A.No.2568 of 2022

WEB COPY

2. Mr.R.Parthasarathy, learned Senior Counsel appearing for the appellant submitted that the appellant is aggrieved by the observation made by the learned single Judge in paragraph-11 of the impugned order directing the appellant to open a joint account with the third respondent to deposit the income generated by the appellant from the first floor of the subject premises, when the appellant had already paid a sum of Rs.40,00,000/- out of Rs.70,00,000/-, pending culmination of the fair rent proceedings by the Committee. The learned Senior Counsel also submitted that the first floor of the subject premises, which has been kept under lock and seal, is used for conducting classes for the students pursuing Chartered Accountancy course only to defray the expenditure for maintenance of the library and the same is not for commercial venture. He further submitted that when the appellant has been paying a monthly rent of Rs.51,530/-, the respondent-Department, all of a sudden, without following due process of law, has arbitrarily demanded a monthly rent of Rs.1,59,000/- from the appellant for running a library.



W.A.No.2568 of 2022

WEB COPY

3. Mr.R.Shunmugasundaram, learned Advocate General assisted by Mr.N.R.R.Arun Natarajan, learned Special Government Pleader appearing for the respondents 1 & 2 submitted that during the pendency of the fixation of fair rent proceedings, the appellant may be directed to pay atleast 50% of the rent of Rs.1,59,000/- per month as demanded by the respondent-Department.

4. Mr.A.K.Sriram, learned Senior Counsel appearing for the third respondent Temple fairly submitted that since the fixation of fair rent has been disputed by the appellant, in any event, this issue has to be resolved by the Committee constituted under Section 34-A of the Hindu Religious and Charitable Endowments Act. Therefore, he sought for three months time to initiate the proceedings for fixation of fair rent and to pass a final order in the matter.

5. In view of the fair submission made by the learned counsel appearing for the third respondent and considering the fact that the appellant



W.A.No.2568 of 2022

WEB COPY

is running a library in the place in question, instead of keeping the matter pending for long, we hereby direct the Committee constituted under Section 34-A of the Hindu Religious and Charitable Endowments Act to initiate proceedings for fixation of fair rent to be paid by the appellant and shall pass a final order, in accordance with law, within a period of three months from the date of receipt of a copy of this order. We also direct the appellant to pay a sum of Rs.60,000/- per month commencing from January, 2023 and shall continue to pay the same till the culmination of the fair rent proceedings by the Committee, as directed in this order. Needless to mention that the respondents shall de-seal the first floor of the subject premises, as ordered by the learned single Judge, within a week's time. With these observations, the writ appeal stands disposed of. Consequently, C.M.P.Nos.20284 & 20286 of 2022 are closed. However, there shall be no order as to costs.

Speaking/Non speaking order

(T.R.,A.C.J.) (D.B.C.,J.)

Index : yes/no

24.01.2023

SS



W.A.No.2568 of 2022

To

WEB COPY

1. The Joint Commissioner
Hindu Religious and Charitable
Endowment Department
Chennai Zone-2
Ramakrishna Mutt Road
Mylapore, Chennai 600 004
2. The Assistant Commissioner
Hindu Religious and Charitable
Endowment Department
Padi, Chennai 600 050
3. The Executive Officer
Arulmigu Kapaleeswarar Thirukoil
Mylapore, Chennai 600 004



WEB COPY



W.A.No.2568 of 2022

THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

SS

W.A.No.2568 of 2022

24.01.2023