



WEB COPY



WA Nos.793, 802 and 811 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WA Nos.793, 802 and 811 of 2023

K.Mani Pillai ... Appellant in WA No.793 of 2023

M.Gandhi Bai ... Appellant in WA No.802 of 2023

Anjali Devi @ P.Devi ... Appellant in WA No.811 of 2023

versus

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam High Road,
Nungambakkam, Chennai 600034

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam High Road,
Nungambakkam, Chennai 600034

3.Arulmighu Angala Parameshwari
Kasi Viswanadha Swamy Thirukovil
rep. By its Executive Officer,
No.5, South Mada Street,
Choolai, Chennai 112.

... Respondents



WA Nos.793, 802 and 811 of 2023

Prayer: Writ appeal filed under Clause 15 of the Letters Patent to set aside the order dated 16.08.2022 in WP Nos.24894, 24893, 24895 of 2015.

For the Appellant :: Mr.B.Ullasavelan

For the Respondents :: Mr.N.R.R.Arun Natarajan,
Special Government Pleader,
for H.R. & C.E. Department

COMMON JUDGMENT

(Made by the Hon'ble Acting Chief Justice)

These writ appeals have been filed against the common order dated 16.08.2022 in WP Nos.24894, 24893, 24895 of 2015.

2. The appellants were issued with the impugned notice in the year 2005, directing them to pay the revised rent fixed by the Fee Fixation Committee. Aggrieved by the said notice issued in the year 2005, the appellants filed writ petitions after ten long years, and the only explanation given for the long delay in approaching this Court was that they were poor and they were making repeated representations to the authorities to re-fix the rent. Learned Single Judge has rightly observed that making representations will not extend the limitation or erase the delay or laches.



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3. On a perusal of the documents, it is seen that the rent fixed insofar as the appellant in WA No.802 of 2023 was only Rs.952/- per month for an extent of 550 sq.ft.; and the rent fixed insofar as the appellant in WA No.793 of 2023 was only Rs.3050/- per month for an extent of 2058 sq.ft., and the rent fixed insofar as the appellant in WA No.811 of 2023 was only Rs.657/- per month for an extent of 443 sq.ft. Given the prime location where the property is situate, the above rent cannot be said to be exorbitant or high.

4. It was vehemently argued that the original sale deeds in respect of the lands clearly show that the appellants were given lands only for residential purpose; however, while fixing rent, it was treated as a commercial property.

5. This Court is of the view that the appellants ought to have agitated all these contentions before the Commissioner, by filing appeal within thirty days from the date of receipt of the impugned notice, which has not been done so.



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6. We are, therefore, unable to find any justification or error in the impugned order passed by learned Single Judge. The writ appeals fail and the same are dismissed. There will be no order as to costs. Consequently, CMP Nos.7686, 7644 and 7743 of 2023 are closed.

(T.R., ACJ.) (D.B.C., J.)
06.04.2023

Index : Yes/No
Neutral Citation : Yes/No
tar



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