



WEB COPY



W.P.Nos.4666 to 4672 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.4666 to 4672 of 2020

And

W.M.P.No.5545 of 2020

R.Baskaran

... Petitioner in W.P.4666/2020

Vs.

- 1.The State of Tamil Nadu,
Represented by Secretary to Government,
HR & CE Department,
Fort St.George,
Chennai – 600 009.
- 2.The Commissioner,
HR & CE Administration Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.
- 3.The Joint Commissioner,
HR & CE Department,
Chennai Division,
Arulmighu Jagathambikai Samedha
Arulmighu Thiru Valleswarar Thirukoil,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.
- 4.Executive Officer,
Arulmighu Jagathambikai Samedha
Arulmighu Thiru Valleswarar Thirukoil,
Padi, Chennai – 600 050. ... Respondents in W.P.4666/2020



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Prayer in W.P.No.4666/2020:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Notice dated 01.03.2018 issued by the fourth respondent and to quash the same and consequentially to direct the second respondent to consider the representation dated 02.04.2018 of the petitioner and dispose the same after affording an opportunity of hearing to the petitioner and refix the ground rent in accordance with G.O.Ms.No.298 dated 20.07.2010.

For Petitioners : Mr.P.S.Ganesh
For Respondents : Mr.K.Karthikeyan
Government Advocate (HR & CE)

COMMON ORDER

Since the issue involved in these writ petitions are one and the same, they are heard together and disposed of by way of a common order.

2.The case of the petitioners is that they are the lessees of the lands owned by Arulmighu Jagathambikai Samedha Arulmighu Thiru Valleeswarar Thirukoil, Padi and they have put up construction in their respective lands and are paying rent for the same. The rent amount was enhanced from time to time and the petitioners also paid



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the same without any default, however, all of a sudden, the rent was exorbitantly increased. Hence the petitioners have filed these petitions seeking to direct the respondents to refix the ground rent in accordance with G.O.Ms.No.298 dated 20.07.2010.

3.The learned counsel appearing for the petitioners submitted that though the petitioners have filed these writ petitions being aggrieved by the unilateral enhancement of rent, the petitioners are now ready to deposit the enhanced amount of rent from 2001 to 2013 before the Executive Officer, Arulmighu Jagathambikai Samedha Arulmighu Thiru Valleeswarar Thirukoil, Padi and after such deposit being made, the petitioners may be granted liberty to prefer appeal before the Appellate Authority in respect of the demand made from the year 2013.

4.The learned Government Advocate (HR & CE) appearing for the respondents submitted that there is effective appeal remedy available to the petitioners before the Commissioner, HR & CE Department, however, the petitioners have filed these writ petitions, which is un-sustainable one.



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5.Considering the fair submission made by the learned counsel appearing for the petitioners, this Court, without expressing any opinion on the merits of the case, permits the petitioners to deposit the enhanced amount of rent from 2001 to 2013 before the Executive Officer, Arulmighu Jagathambikai Samedha Arulmighu Thiru Valleeswarar Thirukoil, Padi, within a period of four weeks from the date of receipt of a copy of this order. After such deposit being made, the petitioners are at liberty to prefer appeal before the Commissioner, HR & CE Department, in respect of the demand made from the year 2013. On receipt of such appeals, the Commissioner, HR & CE Department, upon satisfaction that the petitioners have deposited the enhanced amount of rent from 2001 to 2013, shall entertain the appeals and dispose of the same, within a period of eight weeks thereafter.

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

20.04.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No Internet: Yes/ No

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M.DHANDAPANI,J.
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