



W.P.(MD) No.8831 of 2023

WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 19.04.2023**

**CORAM:**

**THE HONOURABLE MS.JUSTICE P.T.ASHA**

W.P.(MD) No.8831 of 2023

and

W.M.P.(MD) No.8060 of 2023

S.A.Razak

.. Petitioner

Vs.

1.The Commissioner,  
Hindu Religious and  
Charitable Endowment Department,  
119, Uthamar Gandhi Salai,  
Chennai-600 034.

2.The Joint Commissioner/Executive Officer,  
Arulmigu Agastheeswarmudiya Nainar Thirukovil,  
Vaduganpatru, Kottaram,  
Office at Suseendram,  
Kanyakumari District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 1<sup>st</sup> respondent to pass orders on the appeal preferred by the petitioner herein in A.P.No.108/2022 D2 within a time frame as may be stipulated by this Court consequently forbear the 2<sup>nd</sup> respondent from initiating recovery



W.P.(MD) No.8831 of 2023

proceedings against the petitioner till the disposal of the appeal preferred by the petitioner herein in A.P.No.108/2022 D2 pending on the file of the 1<sup>st</sup> respondent.

For Petitioner : Mr.J.Pooventherarajan  
For R1 : Mr.P.Subbaraj  
Special Government Pleader  
For R2 : Mr.K.Sathiya Singh

### **ORDER**

The petitioner has filed this writ petition for the following relief:

*“For the issue of a Writ of Mandamus, directing the first respondent to pass orders on the appeal preferred by the petitioner herein in A.P.No.108/2022 within a time frame as may be stipulated by this Court and consequently forbear the second respondent from initiating recovery proceedings against the petitioner till the disposal of the appeal preferred by the petitioner herein in A.P.No.108/2022 pending on the file of the first respondent.”*



W.P.(MD) No.8831 of 2023

WEB COPY

2. It is the case of the petitioner that he is running a hotel in the shop belonging to the second respondent-temple. Originally, the rent was a sum of Rs.80/- per month (45 years ago). This was gradually increased and in the year 2000, the rent was a sum of Rs.959/-. Thereafter, in the year 2008, the same had been enhanced to a sum of Rs.2,273/- and in 2016, the same was revised to a sum of Rs.11,388/-. While so, it appears that by an order dated 02.08.2020, the second respondent had enhanced the rent to a sum of Rs.28,750/- per month with effect from 01.07.2016. In the said order, the second respondent had demanded a sum of Rs.12,72,740/- as rental arrears. Since the enhancement was not commensurate to the market value, an appeal was preferred by the petitioner under Section 34-A(3) of the Hindu Religious and Charitable Endowments Act, 1959 before the first respondent praying for fixation of a sum of Rs.19,000/- per month as rent. In the appeal, the petitioner has also filed a stay petition and the matter was posted for hearing on 03.08.2022. However, on 03.08.2022, the appeal was not taken up and thereafter, it was adjourned to 28.09.2022.



W.P.(MD) No.8831 of 2023

Meanwhile, the petitioner is under the threat of eviction. Therefore, he has come forward before this Court seeking a limited relief for an early disposal of the appeal.

3. Mr.P.Subbaraj, learned Special Government Pleader appearing for the first respondent would submit that this Court could fix a time frame for the disposal of the appeal.

4. In view of the above submission made by the learned Special Government Pleader, this Writ Petition is disposed of directing the first respondent to pass orders on the appeal filed by the petitioner in Appeal Petition No.108 of 2022 on or before 15.06.2023. No costs.

**19.04.2023**

NCC : Yes/No  
Index : Yes/No  
Internet : Yes

abr



W.P.(MD) No.8831 of 2023

WEB COPY

To

The Commissioner,  
Hindu Religious and  
Charitable Endowment Department,  
119, Uthamar Gandhi Salai,  
Chennai-600 034.



WEB COPY



W.P.(MD) No.8831 of 2023

**P.T.ASHA, J.**

abr

**W.P.(MD) No.8831 of 2023**

**Dated: 19.04.2023**