



W.P.(MD) No.10028 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.10028 of 2023

and

W.M.P.(MD) No.8795 of 2023

Sathishkumar

.. Petitioner

Vs.

1.The Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment Department,
Nungambakkam, Chennai.

2.The Joint Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment Department,
Ellis Nagar, Madurai.

3.The Deputy Commissioner/
Executive Officer,
Arulmigu Meenakshi Sundareswarar Temple,
Madurai.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the third respondent dated 05.04.2023 in proceedings



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Na.Ka.No.3438-1/2019/E2, 3438-2/2019/E2 along with calculation sheets for the periods 2016-2019, 2019-2022, quash the same, as the same is arbitrary, ultra vires and consequentially direct respondents 2 and 3 to fix the fair rent in strict compliance, consonance with the order dated 27.01.2023 made in A.P.No.19/2020 on the file of the first respondent.

For Petitioner : Mr.R.G.Shankar Ganesh
For RR1 & 2 : Mr.P.Subbaraj
Special Government Pleader
For R3 : Mr.VR.Shanmuganathan

ORDER

In identical circumstances, this Court in W.P.(MD) No.9437 of 2023, dated 27.04.2023, passed the following order:

“This writ petition is filed for the issue of a Writ of Certiorarified Mandamus, to call for the records of the third respondent dated 05.04.2023 in proceedings Na.Ka.No.3438-3/2019/E2 along with calculation sheets for the periods 2016-2019, 2019-2022 quash the same, as the same is arbitrary, ultra vires and consequentially direct respondents 1 and 2 to fix the fair rent in strict compliance and consonance with the order dated 27.01.2023 made in A.P.No.18/2020 on the file of the first respondent.



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2. It is brought to the notice of this Court that a circular in e.f.vz;.4551/2022/vk;2, dated 10.03.2022 has been forwarded by the Commissioner, Hindu Religious and Charitable Endowments Department to all the officers coming under the control of the Hindu Religious and Charitable Endowments Department setting out the procedure for fixation of fair rent of the immovable properties or given or endowed for the purpose of any religious institution. In the light of this circular and considering the fact that the impugned order has been passed on the basis of the earlier rules, this Writ Petition is allowed and the impugned order is quashed. The respondent-Board shall initiate proceedings in keeping with the new circular.”

2. This Writ Petition is therefore, allowed in the above lines. No costs. Consequently, connected miscellaneous petition is closed.

27.04.2023

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

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P.T.ASHA, J.

abr

To

1.The Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment Department,
Nungambakkam, Chennai.

2.The Joint Commissioner,
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Charitable Endowment Department,
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3.The Deputy Commissioner/
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Madurai.

Dated: 27.04.2023