



W.P.(MD) No.10449 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.10449 of 2023

G.Mariyappan

Vs.

... Petitioner

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

2.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Virudhunagar District.

3.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Madurai.

4.The Executive Officer,
Arulmigu Maayuranatha Swamy Temple,
Pethavanallur,
Rajapalayam Taluk,
Virudhunagar District.

... Respondents



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Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the first respondent to direct the third and fourth respondents to re-fixation the fair rent fixed by the third and fourth respondents thereby consider the petitioner's representation dated 13.04.2023 and consequently, direct the respondents to permit to run the school without cancelling the lease of the petitioner.

For Petitioner : Mr.V.Sebastinal Preethi

For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

Questioning the exorbitant enhancement of the rent, the petitioner has filed the above writ petition seeking mandamus to the first respondent to direct the third and fourth respondents to consider the petitioner's representation dated 13.04.2023 and consequently, direct the respondents to permit him to run the school without cancelling the lease of the petitioner.

2. The petitioner would submit that he is functioning as a Head Master in Murugan Middle School, Avaarampatti, which is a Government



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aided school. The property in which the school is running belongs to the Arulmigu Maayuranaatha Swamy Temple, the fourth respondent herein. Initially, the rent was a sum of Rs.200/- in the year 1951 and thereafter, the petitioner has been paying rent of Rs.3,673/-. Now, the monthly rent has been fixed at Rs.8,000/- and a demand has been made for paying the arrears. The petitioner would further submit that he has paid arrears to the tune of Rs.1,90,000/- and Rs.70,000/- for the period from 2020 to 2022. Now, the writ petition has been filed to refix the fair rent.

3. Heard the counsel appearing on both sides.

4. The hike in the rent appears to be very steep and no notice has been given to the petitioner. Therefore, the relief claimed by the petitioner has to necessarily be granted to him. Accordingly, this writ petition is allowed with a direction to the first respondent to direct respondents 3 and 4 to refix the fair rent, after hearing the petitioner and giving an opportunity on him to submit his objections. Till such time, the petitioner shall continue to pay earlier rent. It is also stated that the



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petitioner had cleared all the arrears. The said exercise shall be completed within a period of two months from the date of receipt of a copy of this order. No costs.

28.04.2023

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

To

- 1.The Commissioner,
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Chennai.
- 2.The Assistant Commissioner,
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Endowments Department,
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4. The Executive Officer,
Arulmigu Maayuranatha Swamy Temple,
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P.T.ASHA, J.

cp

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