



W.P.(MD) No.12764 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.12764 of 2023

and

W.M.P.(MD) No.10758 of 2023

Sivarama Krishnan

.. Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Sivagangai District.

3.The Executive Officer,
Arulmighu Agasteeswara Swamy Thirukovil,
Hindu Religious and Charitable Endowment,
Devakottai,
Sivagangai District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to fix the nominal rent by the committee as per section 34 A of the Tamil Nadu Hindu Religious and Charitable Endowment Act 1959 after giving



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notice to the petitioner with respect to his property in Sy.Nos.21-1 and 57-5B Devakottai, Sivagangai District.

For Petitioner : Mr.K.P.Narayanakumar
For RR1 & 2 : Mr.P.Subburaj
Special Government Pleader

ORDER

This writ petition has been filed seeking a direction to the respondents to fix the nominal rent by the committee following the provisions of Section 34A of the Hindu Religious and Charitable Endowments Act, 1959, after giving notice to the petitioner.

2. It is the case of the petitioner that he and his family members have been lessees in respect of the agricultural lands belonging to Arulmighu Agasteeswara Swamy Thirukovil in Kottor, Nainarvayal – Aachivayal Village, Sivagangai. It is his case that he was a lessee in respect of the properties comprised in S.Nos.21-1 and 57-5B, measuring an extent of 87 cents and 20 cents respectively. The lands had been obtained by him from his forefather. Originally the lease amount was



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paid in kind (by giving the yield). Thereafter, the same was being paid in the form of cash by some lessees and in the form of paddy by others. The petitioner would submit that originally the lease rental was sum of Rs.5/- and at present, the petitioner is paying a sum of Rs.350/- per acre. While so, the third respondent, all of a sudden, is demanding a sum of Rs.6,000/- per acre as lease rental for the lands. However, no written orders are given by the third respondent.

3. The petitioner would submit that they have never defaulted in the payment of rents and he and other similarly placed persons are entirely depending on the agricultural activities for their livelihood. The sudden hike of rent by more than 20% is a great strain on the petitioner and caused an immense hardship to the petitioner. Therefore, the petitioner has come forward with the present writ petition.

4. Considering the limited request of the petitioner, particularly when the prayer is for fixing the rent as per the provisions of the Hindu Religious and Charitable Endowments Act, 1959, this Writ Petition is



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disposed of with a direction to the second respondent to consider the petitioner's representation dated 07.02.2023 and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing. No costs. Consequently, connected miscellaneous petition is closed.

02.06.2023

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

abr



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To

- 1.The Commissioner,
Hindu Religious and Charitable Endowment,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Sivagangai District.



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P.T.ASHA, J.

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