



W.P.(MD).No.16383 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.16383 of 2023

and

W.M.P.(MD).No.13717 of 2023

Madurai Thirugnana Samantha Swamigal
Aatheenam, (Madurai Aatheenam),
Represented by its Manager,
70, South Avani Moola Street,
Madurai-16.

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowment Administration
Department,
Chennai-34.

2.The Revenue Divisional Officer,
Madurai.

3.S.Bhawar Lal

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records from the second respondent in respect of the impugned enquiry notice in Na.Ka.No.315/2021/J, dated 15.11.2022 and quash the same and consequently, directing the first respondent to dispose the R.P.No.40/2023/D2 within time stipulated by this Court.



W.P.(MD).No.16383 of 2023

For Petitioner : Mr.R.M.Arun Swaminathan
For R-1 : Mr.S.P.Maharajan,
Special Government Pleader
For R-2 : Mr.R.Suresh Kumar,
Additional Government Pleader
For R-3 : M/s.A.Amala

ORDER

This Writ Petition is filed for Writ of Certiorarified Mandamus, to quash the impugned enquiry notice dated 15.11.2022 passed in Na.Ka.No.315/2021/J, and consequently, directing the first respondent to dispose the R.P.No.40/2023/D2.

2. Admittedly, the third respondent is a tenant under the petitioner. There is a disagreement between the petitioner and the third respondent, since the third respondent has not paid the increased rent. Therefore, the petitioner had approached the HR & CE Department under section 78 to initiate eviction proceedings and the same was ordered on 09.03.2022. Aggrieved over the same, the third respondent has preferred an appeal before the first respondent Commissioner of HR & CE Department and the same is pending.



W.P.(MD).No.16383 of 2023

3. In the meanwhile, the third respondent has approached the second respondent Revenue Divisional Officer under the Tamilnadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. The land in question, belongs to the Mutt and the Act that is applicable is HR&CE Act. Therefore, the Tamilnadu Regulation of Rights and Responsibilities of Landlords and Tenants Act is not applicable, consequently the 2nd respondent Revenue Divisional Officer is not having any jurisdiction to initiate proceedings under 2017 Act.

4. Therefore, the enquiry notice issued by the second respondent is without jurisdiction. Hence, the impugned enquiry notice issued by the second respondent is quashed.

5. The third respondent had already filed revision petition to the first respondent in R.P.No.40/2023/D2 and the first respondent is directed to dispose of the R.P.No.40/2023/D2 preferred by the third respondent against 78 proceedings, within a period of four (4) months from the date of receipt of a copy of this order. The petitioner is at liberty to collect the amount of arrears rent from the third respondent.



W.P.(MD).No.16383 of 2023

6. With these observations and directions, this Writ Petition is allowed.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.09.2023

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

To

- 1.The Commissioner,
Hindu Religious and Charitable
Endowment Administration
Department,
Chennai-34.
- 2.The Revenue Divisional Officer,
Madurai.



WEB COPY



W.P.(MD).No.16383 of 2023

S.SRIMATHY, J.

Sml

W.P.(MD).No.16383 of 2023

27.09.2023