



W.P.(MD).Nos.18642 to 18652 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 07.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).Nos.18642 to 18652 of 2023

and

**W.M.P.(MD).Nos. 15493, 15496, 15504,
15494,15506,15505,15507,15498,15500,15495,15497 of 2023**

W.P.(MD).No.18642 of 2023:

Thamilkumaran

... 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 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a 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 notice to the petitioner with respect to his property in Survey No. 21/1-2 and 62/4-16 & 17 Devakottai, Sivagangai District.



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In all Writ Petitions:

For Petitioner : Mr.K.P.Narayanakumar

For Respondents :Mr.S.P.Maharajan
Special Government Pleader

COMMON ORDER

These writ petitions are filed for Mandamus, directing the respondents to fix the nominal rent by the committee as per section 34A of the Tamilnadu Hindu Religious and Charitable Endowment Act 1959 after giving notice to the petitioners with respect to their respective property.

2. The petitioners submitted that their forefathers were in enjoyment of the said property through lease agreement and now the petitioners are lessee under the respondents. Admittedly, the land belongs to the temple, for which the respondents have imposed lease amount of Rs.5/- per acre. Presently, the petitioners are paying Rs.350/- per acre. However, suddenly the respondents have started demanding Rs.6,000/- per acre. The contention of the petitioner is that the respondents are empowered to fix the fair rent by forming a committee, but the respondents have not formed any committee and the rent is increased as per their whims and fancies. But the contention of the petitioners is refuted by the respondents and submitted that committee was formed, thereafter only the



W.P.(MD).Nos.18642 to 18652 of 2023

rent was fixed. But the petitioners submitted that they were not granted any opportunity to submit their objections.

3. Therefore, without going into the merits, this court directs the respondents to form a committee. The petitioners are directed to submit objections and after giving opportunity by affording personal hearing to the petitioners, thereafter, fair rent shall be fixed. After fixing the said fair rent, the petitioners shall pay the same. The committee shall conduct enquiry and fix the fair rent at the earliest. Until then, the petitioners shall pay the undisputed rent to the respondents.

4. With the above direction these Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous are closed.

07.08.2023

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



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W.P.(MD).Nos.18642 to 18652 of 2023

S.SRIMATHY, J.

Nsr

W.P.(MD).No.18642 to 18652 of 2023

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