



WEB COPY



W.P.(MD).No.18907

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.18907 of 2023
and
W.M.P.(MD).No.15708 of 2023

Mahesh Patel

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Endowment Department,
Ellis Nagar,
Madurai.

2.The Fit Person / The Executive Officer,
Arulmigu Ayyanar and Ponmuniyandi Swamy Thirukovil,
Samattipuram,
Having office at
Arulmigu Jayaveera Anjeyanayarswamy Thirukovil,
Simmakal,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the proceedings of the second respondent impugned order dated 29.06.2023 and quash.

For Petitioner : Mr.R.Murali

For R-1 : Mr.R.Ragavendran,
Government Advocate.

For R-2 : Mr.S.Manohar



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W.P.(MD).No.18907

ORDER

This Writ Petition is filed to quash the order dated 29.06.2023 passed by the second respondent.

2. The contention of the petitioner is that the petitioner is a tenant under the respondent and he is doing a Saw Mill business. The respondents have increased the rent of the Saw Mill. According to the respondents, the Fair Rent Committee has fixed a reasonable rent for a period from 01.07.2019 to 30.06.2022.

3. But the learned counsel appearing for the petitioner submitted that they have taken a guideline value issued by the Sub Registrar, South Arasaradi vide Na.Ka.No. 359 /2022 dated 30.11.2022 fixing the rate as Rs.1005 per square feet. The contention of the petitioner is that the rent is fixed from 01.07.2019, but the respondents have taken a guideline value applicable for the year 2022. Therefore, there is an absolute discrepancy in fixing the guideline value. Therefore, this Court is of the considered opinion that the respondents had taken the guideline value of the subsequent year and fixed it for the previous year.



W.P.(MD).No.18907

4. It is seen that the respondents have not granted any opportunity to the petitioner. Therefore, this Court is of the considered opinion that the respondents are bound to grant personal hearing to the petitioner to contest the fixation of the rent.

Therefore, this Court is passing the following directions:

- (i) The impugned order is quashed.
- (ii) The respondents are directed to issue the letter issued by Registrar, South Arasadi vide Na.Ka.No.359 /2022 dated 30.11.2022. On receipt of such document, the petitioner is directed to submit his objections to the respondents.
- (iii) The respondents shall grant personal hearing and thereafter pass speaking order.
- (iv) Until then, the petitioner is directed to pay undisputed amount of Rs.22,000/- (Rupees Twenty Two Thousand only) per month to the respondents.
- (v) The respondents shall conclude the enquiry proceedings within a period of four (4) months from the date of receipt of a copy of this order.

5. In view of the above, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

24.08.2023

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



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To

The Joint Commissioner,
Hindu Religious and Endowment Department,
Ellis Nagar,
Madurai.



W.P.(MD).No.18907

S.SRIMATHY, J.

Nsr

W.P.(MD).No.18907 of 2023

24.08.2023