



W.P.(MD).No.21437 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.21437 of 2023

and

W.M.P.(MD)No.17878 of 2023

T.Selvakumar

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments
Department,
Neelagrishwarar Thoppu,
Srirengam, Trichy.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments
Department,
Neelagrishwarar Thoppu,
Srirengam, Trichy.

3.The Executive Officer/Thakkar,
Arulmigu Semmalai Kannimar Mariyamman
Karuppasamy Vagaiyara Thirukovilgal,
Kambalathupatty, Sekkanam Village,
Manapparai Taluk, Trichy District.

... 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 pursuant



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to the impugned notice dated 23.05.2018 and consequential impugned notice in Na.Ka.No.16/1433 dated 22.08.2023 issued by the 3rd respondent to quash the same as illegal.

For Petitioner : Mr.B.Anandan
For R1 and 2 : Mr.S.P.Maharajan
Special Government Pleader
For R3 : Mr.G.Mathavan

ORDER

This writ petition is filed for writ of ***Certiorari***, to quash the impugned notice dated 23.05.2018 and consequential impugned notice, dated 22.08.2023 issued by the 3rd respondent.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. Heard Mr.B.Anandan, learned Counsel appearing for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader appearing for the respondent Nos.1 & 2 and Mr.G.Mathavan, learned Counsel appearing for the 3rd respondent.



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4. Admittedly, the petitioner is occupying the space belonging to the 3rd respondent Temple. According to the petitioner, he is occupying 880 square feet only, for which the rent is fixed, as Rs.750/-. Suddenly, the respondents have raised the rent and fixed as Rs.2,640/-. The further contention of the petitioner is that the respondents have taken into account the fact that the petitioner is not occupying the said vacant land. Moreover, without issuing any notice and without granting any opportunities, the respondents have also fixed rent for vacant land as well as to the building.

5. Considering the facts and circumstances of the case, this Court is of the considered opinion that the petitioner shall pay a sum of Rs.2000/- as rent for the space he is occupying. On such payment, the respondents shall conduct enquiry after granting opportunity to the petitioner and thereafter fix the fair rent. The respondents shall measure the land, building and the vacant site as well. The respondents shall fix rent only for the space the petitioner is actually occupying.

6. According to the petitioner and the respondents, the petitioner



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has already paid some amount and the said amount shall be deducted while calculating rent as Rs.2000/-. The petitioner shall also pay arrear amount based on the above direction. The arrear amount shall be paid, within a period of 3 months from the date of receipt of a copy of this order. As far as the refixation is concerned, the respondents shall conduct enquiry within a period of 6 months from the date of receipt of a copy of this order. Based the refixation order that would be passed after the enquiry, the petitioner shall pay the same.

7. With the above said observation, the writ petition is allowed in above terms. No costs. Consequently, connected miscellaneous petition is closed.

04.09.2023

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

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S.SRIMATHY, J.

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