



W.P.No.1212 of 2021 and W.M.P. No.1368 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1212 of 2021 and W.M.P. No.1368 of 2021

N.V.Krishnan

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Nungambakkam,
Chennai 600 034.

2.The Executive Officer/Manager,
Byragi Madam Arulmighu Thiruvengadamudayan
Venkatesa Perumal Thirukoil,
No.1, General Muthiah Street,
Chennai 600 079.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the respondents pertaining to the impugned demand notice dated 18.12.2020 issued by the second respondent and quash the same and consequently directing the respondents to re-fix the fair rent for the leased premises bearing Door No.76, NSC Bose Road, Chennai 79 comprised in S.No.8741 in accordance with law after affording the petitioner an opportunity of personal hearing based on the petitioner's representation dated 30.12.2020.



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For Petitioner : Mr.P.R.Raman,
Senior Counsel for
Mr.A.Umasankar

For Respondents : Mr.S.Ravichandran,
Additional Government Pleader (HR&CE)
for R1

Mr.Wilson Topaz for
M/s.A.S.Kailasam and Associates for R2

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records of the respondents pertaining to the impugned demand notice dated 18.12.2020 issued by the second respondent and quash the same and seeking a direction to the respondents to re-fix the fair rent for the leased premises, bearing Door No.76, NSC Bose Road, Chennai - 600 079, comprised in S.No.8741 in accordance with law, after affording him an opportunity of personal hearing, based on his representation dated 30.12.2020.

2.The case of the petitioner is that the land and building, bearing Door No.76, NSC Bose Road, Chennai - 600 079, belong to Byragi Madam Arulmighu Thiruvengadamudayan Venkatesa Perumal Thirukoil (hereinafter



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referred to as 'the Temple') and there were 6 tenants in the said property and that the petitioner is one of the tenants under the subject building for more than three decades. The petitioner has been running a commercial establishment under the name and style of 'Sri Krishna Prasad' and the petitioner was in occupation of the first and second floors of the same building, which comes to 1212 sq.ft. for each floor and that the petitioner has been paying the rent, without any default. While so, the second respondent has passed an order dated 26.02.2003 directing the petitioner to pay the fair rent as fixed by the Fair Rent Committee, without any prior notice. Aggrieved by the same, the petitioner approached the Commissioner, HR&CE, who passed an order observing that by G.O. Ms. No.456 dated 09.11.2007, guidelines were issued by the State Government for fixation of fair rent in which it was suggested that the quantum of fixation to be made once in three years with 15% hike based on the land value prevailing on the date of enhancement and remitted the matter to the second respondent temple for fresh consideration. Thereafter, the petitioner was continued to pay the rent in accordance with the above G.O. Subsequently, the second respondent issued a notice dated 13.05.2019



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directing the petitioner to pay a sum of Rs.1,22,800/- per month for which the petitioner has sent an objection on 25.05.2019. Without considering the same, the second respondent again issued a notice dated 05.11.2019 and made a demand to pay the enhanced rent of Rs.48,72,700/-, calculated for the period from 01.07.2016 till 31.10.2019. Thereafter, the petitioner started paying the rent at the rate of Rs.70,000/- per month from February 2020 onwards even during the Covid-19 period. While so, on 18.12.2020, the second respondent temple has issued another notice to the petitioner to pay the fair rent fixed by them with alleged arrears to the tune of Rs.33,91,800/-, calculated upto the period of January 2020. Therefore, the petitioner made a representation to the respondents on 30.12.2020 requesting them to re-fix the fair rent reasonably in accordance with the above G.O. Ms. No.456 dated 09.11.2007. Since there was no response from the respondents, the petitioner is before this Court, challenging the above impugned notice.

3.The learned counsel for the petitioner would submit that from 01.07.2010 till date the petitioner had paid a sum of Rs.95,04,200/- towards fair rent for his tenancy. After adjusting the said amount, now the petitioner is willing to pay Rs.29,45,540/-, as per the revised fair rent fixed by the



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respondents on 01.05.2019 and he is also willing to pay the monthly rent at Rs.1,41,220/- as directed by this Court.

4.The learned Additional Government Pleader appearing for the first respondent and the learned counsel for the second respondent fairly submitted that this Court may fix a reasonable fair rent to be paid by the petitioner within a time frame.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.Considering the facts and circumstances of this case and considering the above submissions made by the learned counsel for the petitioner, the learned Additional Government Pleader for the first respondent and the counsel for the second respondent, this Court is inclined to fix a reasonable fair rent to be paid by the petitioner as per G.O. Ms. No.456 dated 09.11.2007, wherein guidelines were issued by the State Government for fixation of fair rent suggesting that the quantum of fixation to be made once in three years with 15% hike based on the land value prevailing on the date



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of enhancement. Accordingly, the impugned demand notice dated 18.12.2020 issued by the second respondent is quashed.

7.In view of the above G.O., the fair rent to be payable by the petitioner is now arrived at in the following manner:

<i>Period</i>	<i>Fair rent (Rs.)</i>	<i>Total amount payable(Rs.)</i>	<i>Enhancement of rent at 15% (Rs.)</i>
01.07.2010 to 30.06.2013	33,300 /-	11,98,800/- (33,300 x 36)	33,300 x 15% = 4,995/- 33,300 + 4,995 = 38,295/-
01.07.2013 to 31.06.2016	38,295/-	13,78,620/- (38295 x 36)	38,295 x 15% = 5,745/- 38,295 + 5,745 = 44,040/-
01.07.2016 to 31.04.2019	44,040/-	14,97,360/- (44040 x 34)	(on 01.05.2019, fair rent was revised to Rs.1,22,800/-
01.05.2019 to 30.04.2022	1,22,800/-	44,20,800/- (122800 x 36)	1,22,800 x 15% = 18,420/- 1,22,800 + 18,420 = 1,41,220/-
01.05.2022 to 01.09.2024	1,41,220/-	39,54,160/- (141220 x 28)	
		1,24,49,740/-	

Therefore, the total due amount to be paid by the petitioner comes to Rs.29,45,540/- (1,24,49,740 - 95,04,200), after adjusting the total amount towards fair rent, i.e. 95,04,200/-, which has already been paid by the petitioner.



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8. Accordingly, this writ petition is allowed and the petitioner is directed to pay Rs.29,45,540/- towards arrears of fair rent in six equal instalments within a period of six months from the date of receipt of a copy of this order and he is also directed to pay the monthly fair rent at Rs.1,41,220/- till 30.04.2025. It is made clear that the petitioner shall abide by the quantum of fixation to be made once in three years with 15% hike based on the land value prevailing on the date of enhancement. Consequently, connected W.M.P. is closed. No costs.

25.09.2024

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

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Byragi Madam Arulmighu Thiruvengadamudayan
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M.DHANDAPANI,J.

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