



WEB COPY



CRP.No.2025 of 2021

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 02.02.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**CRP.No.2025 of 2021**  
**and**  
**CMP.No.15381 & 15382 of 2021**

T.Kamalachandran

... Petitioner

Vs.

The Executive Officer  
Arulmighu Maruntheeswarar Temple  
Thiruvanmiyur, Chennai 600 041.

...Respondent

**Prayer:** Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the exparte order dated on 05.09.2020 in R.C.No.3392 of 2020 D2 passed by the Commissioner HR & CE at Chennai and consequently quash the Impugned Notice No.28/1426 dated 02.12.2016 issued by the respondent and further direct the respondent to issue a fresh demand notice under the residential category with proper calculation as per G.O. Ms.No.298, HR & CE Department dated 20.07.2010 and award the exemplary cost against the respondent.



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For Petitioner : Mr.Nithysh Sekhar  
For Respondent : Mr.P.Willson Topaz  
for Mr.A.S.Kailasam & Associates

**ORDER**

This Civil Revision Petition is filed challenging the order passed by the Commissioner, HR & EC dismissing the appeal filed by the petitioner challenging the fixation of fair rent to the premises in occupation of the petitioner as per communication dated 02.12.2016 by Executive Officer of the respondent temple.

2. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that the impugned order was passed on 05.09.2020 during Covid period and the petitioner could not appear before the Commissioner, HR & CE on that day due to restrictions imposed by the Government. The learned counsel for the petitioner further submitted that the petitioner is ready to deposit the entire arrears as on 31<sup>st</sup> December 2023 as per fair rent fixed by the respondent in its communication dated 02.12.2016. The said statement of the learned counsel for the petitioner is recorded.



**3.** A reading of the impugned order would suggest the petitioner

failed to deposit the arrears of rent as per proviso Section 34 (A) of the Hindu Religious and Charitable Endowments Act and when the appeal was taken up for hearing, there was no representation for the petitioner. Hence, the appeal was disposed of by the Commissioner without hearing the petitioner. In view of the difficulty expressed by the petitioner citing the Covid pandemic restriction, this Court feels that an opportunity shall be given to the petitioner. Therefore, the Civil Revision Petition is allowed on condition the petitioner making the deposit of entire arrears as on 31<sup>st</sup> December 2023 as per the demand notice of the respondent dated 02.12.2016 on or before 31.03.2024 before the respondent temple.

**4.** On such deposit by the petitioner, the impugned order is set aside and the matter is remitted back to the file of the Commissioner, HR & CE. He is directed to fix the date for hearing and issue notice of hearing to the petitioner and dispose of the appeal on merits and in accordance with law. In case, the petitioner fails to deposit the arrears of rent on or before 31.03.2024 the benefit of this order will not enure to him and the Civil Revision Petition



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will stand automatically dismissed without further reference to the Court. It is made clear if the rental amount already fixed is reduced by the Commissioner, the excess amount deposited by the petitioner will be adjusted with the future rent.

5. The learned counsel for the petitioner submitted that already the petitioner paid rent till December 2023 at the admitted rate. The amount already paid by the petitioner shall be deducted while calculating arrears of rent to be paid by the petitioner as on 31.12.2023.

6. With the above direction, this Civil Revision Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

**02.02.2024**

Index : Yes / No  
Internet : Yes / No  
dna



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WEB COPY **To**

The Executive Officer  
Arulmighu Maruntheeswarar Temple  
Thiruvannamiyur, Chennai 600 041.



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**S.SOUNTHAR, J.**  
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