



W.P.Nos.24595 to 24600 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.24595 to 24600 of 2018

and

WMP.Nos.28633 to 28644 of 2018 and 33223, 33202, 33207, 33208, 33213,
33216 & 33959 of 2024

W.P.No.24595 of 2018:

1. V.Rathinam
2. R.Pushparathi ...Petitioners

Vs.

1. The Commissioner,
Hindu Religious Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 34.
2. The Joint Commissioner,
Hindu Religious Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 34.
3. The Assistant Commissioner,
Hindu Religious Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 34.



W.P.Nos.24595 to 24600 of 2018

4. The Executive Officer,
Arulmigu Pidari Uthanatchiamman Mangaleswarar and
Bala Vinayagar Temple,
Arumbakkam, Chennai – 106.

...Respondents

Prayer in W.P.No.24595 of 2018: Petition filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records of the order of the 1st respondent in R.P.122/2016 D2 dated 18.07.2016 with respect to 1900 sq.ft and quash the same and consequently direct the 4th respondent to fix the fair rent as on 1.11.2001 at Rs.379/- per sq.ft based on the guideline value of S.No.103, 104, T.S.No.6/1, 6/2, 6/3 in Sri Sakthi Nagar, Arumbakkam and thereby revised the rents with 15% increase once in every three years.

In all W.P's.:

For Petitioners : Mr.V.Vasanthakumar
for Mr.R.Kubendiran

For Respondents : Mr.K.Karthikeyan, GA, for R1 to R3
: Mr.S.D.Ramalingam, for R4

COMMON ORDER

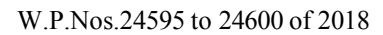
Since the issue involved in all these Writ petitions are similar in nature, they are disposed of by way of this common order.

2. The petitioners are husband and wife and have filed these Writ petitions seeking quashment of the proceedings of the 1st respondent in and by which, the eviction order passed by the Joint Commissioner under Section 78 of



the H.R. & C.E. Act was confirmed and to consequently direct the 4th respondent to fix the fair rent as on 1.11.2001 at Rs.379/- per sq.ft based on the guideline value of S.No.103, 104, T.S.No.6/1, 6/2, 6/3 in Sri Sakthi Nagar, Arumbakkam and thereby revise the rents with 15% increase once in every three years.

3. The case of the petitioners is that the petitioners along with their son, namely Srinivas were inducted as tenants in respect of the vacant properties owned by the 4th respondent temple situated at Block No.12, T.S.Nos.6/1, 6/2, 6/3, Plot Nos.21, 13A and 18, Door No.209, Jawaharlal Nehru Road, 100 ft. Road, Arumbakkam, Chennai with total 6 portions of 904, 665, 2125, 2491, 1900 and 1701 sq.ft. respectively in total measuring about 9156 sq.ft., by the 4th respondent in the same survey number. Most of the lands allotted by the temple are vacant plots only and thereafter, the tenants are permitted to construct buildings and erect superstructures for commercial purposes and the petitioners constructed superstructures and continued to pay the rent to the 4th respondent without any default. With a view to fix fair rent and to overcome the difficulties in fixing the same under old guidelines and ignoring the guidelines and G.Os, they have fixed exorbitant rent, without hearing the objection of the petitioners. Subsequently, for non payment of the said rent fixed by the officials, the Joint





W.P.Nos.24595 to 24600 of 2018

encroachers and directed them to evict the subject premises, which cannot be found fault with and thereby, this Court is not inclined to interfere with the same.

7. The respondents are directed to take possession of the subject property forthwith.

8. For the reasons aforesaid, these Writ Petitions stand dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

19.10.2024
(2/2)

skt

NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No

Note to office: Issue order copy on 05.12.2024.

M.DHANDAPANI, J.

skt



W.P.Nos.24595 to 24600 of 2018

WEB COPY

To:

1. The Commissioner,
Hindu Religious Charitable Endowments Department,
119, Uthamar Gandhi Salai, Nungambakkam, Chennai – 34.
2. The Joint Commissioner,
Hindu Religious Charitable Endowments Department,
119, Uthamar Gandhi Salai, Nungambakkam, Chennai – 34.
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Hindu Religious Charitable Endowments Department,
119, Uthamar Gandhi Salai, Nungambakkam, Chennai – 34.

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33213, 33216 & 33959 of 2024
(2/2)

19.10.2024

WMP.No.28632 of 2018
in
W.P.Nos.24595 to 24600 of 2018



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M.DHANDAPANI, J.

In view of amendment to the Court fee rules, this petition is allowed, subject to payment of separate Court fee, within a period of two weeks, from the date of receipt of a copy of this order, failing which this order shall be applicable only to the first petitioner.

19.10.2024
(1/2)

skt