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W.P.No.20858 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.20858 of 2024

Praveen Chand Bandari

...Petitioner

Vs.

1. The Commissioner

Hindu Religious & Charitable Endowment Board,
Uthamar Gandhi Salai, Nungambakkam,
Chennai 600 034.

2. The Joint Commissioner,

Hindu Religious & Charitable Endowment Board,
Uthamar Gandhi Salai, Nungambakkam,
Chennai 600 034

3. The Executive Officer,

Arulmighu Byragimadam
Arulmigu Thiruvengadamudaiyan
Venkatesaperumal Temple,
NSC.Bose Road, Chennai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records in proceedings N.Dis.in.464841/2024/D2 dated 30.04.2024 on the file of the 1st respondent pursuant to the order of the 2nd respondent and cancel the order MP.90/2022/E1 dated 30.03.2023 and quash the same as



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illegal, incompetent and without jurisdiction and further direct the respondent to receive the arrears amount and desal the premises at Survey No.8368 measuring 667 square feet at No.20, Irulappan street, Chennai – 79.

For Petitioner : Mr.E. Yuvarani
Senior Advocate
For Respondents : Mr.N.R.R. Arun Natarajan
Special Government Pleader

ORDER

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

2. This Writ Petition has been filed to call for the records in proceedings N.Dis.in.464841/2024/D2 dated 30.04.2024 on the file of the 1st respondent pursuant to the order of the 2nd respondent and cancel the order MP.90/2022/E1 dated 30.03.2023 and quash the same as illegal, incompetent and without jurisdiction and further direct the respondent to receive the arrears amount and desal the premises at Survey No.8368 measuring 667 square feet at No.20, Irulappan street, Chennai – 79.



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3(a). The case of the petitioner is that the petitioner is the tenant under the 3rd respondent with respect to the property at S.No.8368 measuring 667 square feet at No.20, Irulappan Street, Chennai-79 from the year 1985. The said place is utilized for parking his car. The rent was increased to Rs.436/- from 01.07.1991 and the petitioner has paid rent at Rs.3450/- for the said property till December 2021.

3(b). The 2nd respondent has fixed Rs.10,000/- p.m., from 01.07.2016 without inspecting the property on commercial basis. The said land is a vacant site and it is used for parking alone. Hence, it is an exorbitant rent. Due to ill-health, he was unable to appear before 3rd respondent to contest the proceedings. On sealing the premises, he came to know that the orders were passed in Section 78 proceedings. After filing of revision petition on 24.08.2023, the same was returned on 28.08.2023 for compliance of some defects. After rectification, he has represented the same on 16.04.2024. Again it was returned on 30.04.2024 stating that as per Section 21(7) of the TNHR & CE Act, 1959 every application to the Commissioner for exercise of powers under this Section shall be preferred within three months from the date of order. Further it states that the 1st respondent does not have power to condone



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the delay in filing.

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3 (c). The date of the order of the 2nd respondent is 30.03.2023 and the petitioner was not served with the same. Only after sealing the property, he came to know about the order of the 2nd respondent and immediately filed the revision on 24.08.2023. Hence, this writ petition.

4. Mr.N.R.R.Arun Natarajan, learned Special Government Pleader appearing for the respondents would submit that the petitioner has occupied totally 667 sq.ft of vacant site and the rent was fixed at Rs.10,000/- from 01.07.2016. From that date till 30.06.2023, the arrear of rent of the petitioner comes to Rs.6,12,300/-. The petitioner has lastly paid a sum of Rs.31,050/- on 28.12.2021 in Receipt No.40. Thereafter, due to non-payment of rent by the petitioner, the shop was sealed on 02.06.2023 by the HR & CE Department

5. Considering the facts and circumstances of the case, the submissions made by the learned counsel on either side and on going through the records, this court deems it fit that if the petitioner is ready and willing to pay the arrears of rent of Rs.6,12,300/- at once by way of



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cash or demand draft on or before 30.08.2024 to the HR & CE Department, the petitioner may continue as a tenant, or otherwise, the respondents can take appropriate action with the help of concerned authorities. The concerned authorities may lease the said land by holding open auction to the third party.

6. With the above direction, this Writ Petition is disposed of. No costs.

26.07.2024

Index:Yes/No

Speaking order/Non-speaking order
gv

To

1. The Commissioner
Hindu Religious & Charitable Endowment Board,
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Chennai 600 034.
2. The Joint Commissioner,
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4. The Public Prosecutor
High Court, Madras.
Chennai.

V.BHAVANI SUBBAROYAN.,J.
Gv

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