



W.P.No.24951 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2024

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.24951 of 2024

S.P.Saminathan

... Petitioner

Vs.

1.The State Government of Tamilnadu
Represented by the Secretary
Tourism, Culture and Religious
Endowment Department
Secretariat
Chennai.

2.The Commissioner
Hindu Religious and Charitable Endowment Department
Nungambakkam
Chennai 34

3.The Joint Commissioner
Chennai Division 2
Hindu Religious and Charitable Endowment Department
Ramakrishna Mutt Road
Mylapore, Chennai.

4.The Assistant Commissioner
Chennai Division
Hindu Religious and Charitable Endowment Department
Yadava Street
Padi, Chennai 50



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5.The Executive officer
Arulmigu Ramanatheeswar Thirukoil
Porur
Chennai 600 116

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the Respondents to constitute the committee and fix the fair rent for the land ad-measuring 3300 sq. ft. situated at Survey No.365 bearing new No.2, Old No.22, 2nd Street, R.E.Nagar, Porur, Chennai 600 116 by following due process contemplated under Sec.34A of the HR & CE Act.

For Petitioner : Mr.R.Rajarajan

For Respondents : Mr.N.R.R.Arun natarajan
Spl. Government Pleader (HR & CE)

ORDER

The writ petition has been filed seeking a direction to the Respondents to constitute the committee and fix the fair rent for the land ad-measuring 3300 sq. ft. situated at Survey No.365 bearing new No.2, Old No.22, 2nd Street, R.E.Nagar, Porur, Chennai 600 116 by following due process contemplated under Sec.34A of the HR & CE Act.

2. It is the case of the petitioner that the land admeasuring 3300 sq. ft. situated at S.No.365 bearing New No.2 old No.22, 2nd Street, R.E.Nagar, Porur Chennai absolutely belongs to the 5th respondent temple. In the year 1990, the



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vacant land was leased out to the petitioner and he had also constructed a building at his own cost. The rent was periodically fixed from time to time. The petitioner has not paid rent regularly and hence, the 3rd respondent had passed the eviction order in the proceedings dated 13.01.2017 by holding that the petitioner has become encroacher for non payment of arrears and for his failure to execute a fresh rental agreement. Challenging the said order, the petitioner has preferred appeal before the second respondent and the same was dismissed. Challenging the said order, the petitioner has filed revision before the first respondent on 03.07.2017 . Though the said revision was filed in the year 2017, the same is still pending. Hence, the petitioner filed a writ petition before this Court. This Court disposed the same by directing the petitioner to pay a sum of Rs.14 lakhs to the 5th respondent temple in six equated monthly installments. The petitioner has also paid the entire arrears and till date the first respondent has not fixed the fair rent in favour of the petitioner premises. Aggrieved over the same, the petitioner has filed the present writ petition seeking with the above prayer.

3. The learned counsel for the petitioner submitted that the petitioner is ready to pay 50% of the amount as per the order passed by this Court in the writ petition. This Court may direct the first respondent to dispose the revision filed by



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the petitioner by fixing fair rent within the reasonable time as fixed by this Court.

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4. The learned Special Government Pleader appearing for the respondents submitted that as on date, the total due is Rs.4,16,000/- If the petitioner is agreed to pay the amount within the reasonable time, no further action will be taken and the fair rent is fixed at Rs.22,500/- per month.

5. Heard the learned counsel for the petitioner and the learned Standing Counsel and perused the materials available on record.

6. In view of the fair stand taken by the learned Special Government Pleader appearing for the respondents, this Court directs the petitioner to pay a sum of Rs.2,60,000/- to the 5th respondent temple on or before 15.10.2024 and to pay a sum of Rs.2,00,000/- to the 5th respondent temple on or before 30.10.2024. In the meanwhile, the 3rd respondent is directed to fix the fair rent to the petitioner premises within a period of four weeks from the date of receipt of a copy of this order. Till such time, the first respondent is directed to defer the revision filed by the petitioner. If the petitioner fails to pay the arrears, the third respondent is directed to take appropriate action in the manner known to law.



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7. With the above directions, the writ petition is disposed of. No costs.

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Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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