



WEB COPY



W.P.No.34517 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.34517 of 2024
and
W.M.P.No.37417 of 2024

T.Venkatesan

... Petitioner

VS.

1.The Joint Commissioner
HR & CE Department
Mayiladuthurai,
Mayiladuthurai District

2.The Executive Officer
A/M.Parimala Rengananathar Thirukoil
Thiruindhalur, Mayiladuthurai
Mayiladuthurai District-609001

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned notice dated 18.10.2024 passed by the 2nd respondent, quash the same.



WEB COPY



W.P.No.34517 of 2024

For Petitioner : Mr.M.Elango

For R1 and R2 : Mr.N.R.R.Arun Natarajan
Special Government Pleader (HR & CE)

ORDER

The Writ Petition is filed challenging the impugned notice dated 18.10.2024 issued by the 2nd respondent directing the petitioner to pay a sum of Rs.6,15,695/- towards arrears of fair rent fixed for occupation of the site belongs to the 2nd respondent/Temple with an extent of 4322 sq.ft., in Town Survey No.1207 situated at Thiruindhalur, Mayiladuthurai Taluk and District.

2. When the writ petition came up for hearing on 19.11.2024, the learned Special Government Pleader (HR & CE) had taken notice for respondents 1 and 2 and he was directed to get instructions as to whether the order fixing fair rent was served on the petitioner or not.



W.P.No.34517 of 2024

WEB COPY

3. Today, when the matter is taken up for hearing, the learned Special Government Pleader (HR & CE) appearing for the respondents 1 and 2, on instructions, submitted that fair rent for the property in occupation of the petitioner was fixed at the rate of Rs.5,400/- per month as per the order of fair rent fixation committee on 07.09.2018. The learned Special Government Pleader (HR & CE) further submitted that copy of the order fixing fair rent was not served on the petitioner till date. The learned Special Government Pleader (HR & CE) also submitted that the petitioner failed to pay a rent from the year 2000 and hence, the impugned notice was issued directing him to pay arrears at Rs.6,15,695/-.

4. In view of the same, the respondents are directed to serve the copy of the order fixing fair rent for the property in occupation of the petitioner, within a period of two weeks from the date of receipt of copy of this order. The petitioner is granted a further period of six weeks from the date of receipt of copy of the order fixing fair rent for challenging the same by filing an appeal before the Commissioner, Hindu Religious and Charitable Endowments Department. It is need less to say that the petitioner shall deposit the rental arrears as mentioned in the impugned notice dated



W.P.No.34517 of 2024

18.10.2024, as a precondition for filing an appeal and produce the receipt for deposit of Rs.6,15,695/- along with appeal memorandum. In case, the appeal filed by the petitioner was favourably considered by the Competent Authority and fair rent fixed for the property in occupation of the petitioner was reduced, the petitioner is entitled to adjustment of the amount deposited by him with the future rent.

5. With the above direction and observation, the Writ Petition stands disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

25.11.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



W.P.No.34517 of 2024

To

WEB COPY

- 1.The Joint Commissioner
HR & CE Department
Mayiladuthurai,
Mayiladuthurai District

- 2.The Executive Officer
A/M.Parimala Rengananathar Thirukoil
Thiruindhalur, Mayaladuthurai
Mayiladuthurai District-609001



WEB COPY



W.P.No.34517 of 2024

S.SOUNTHAR, J.

dm

W.P.No.34517 of 2024

25.11.2024