



WEB COPY



W.P. No. 36372 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

**W.P. No. 36372 of 2023
and
W.M.P. No. 36367 of 2023**

Thilagamani

... Petitioner

-VS-

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
No. 119, Nungampakkam High Road,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
64/2, North Neela Street,
Nagapattinam.
3. The Executive Officer,
Arulmighu Privai Marudeeswarar Samy
(Bawa Oushadeeswarar Swamy) Temple,
Thiruthuraipoondi Town & Taluk,
Tiruvarur District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned proceedings dated 11.09.2023 issued by the Third Respondent in Se. Mu. Na. Ka. No. 110/2023/Pa-1433 and quash the same as unconstitutional, illegal and in violation of principles of natural justice with consequential direction directing the Second and Third Respondents to



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initiate proceedings to fix fair rent by the Committee constituted under Section 34-A of the Hindu Religious and Charitable Endowments Act, 1959, pertaining to the land leased to the Petitioner situate in West Street, Thiruturaipoondi Town and Taluk, Tiruvarur District comprised in Survey No. 184/5 measuring an extent of 1728 sq. ft. as per the proceedings of the First Respondent dated 10.03.2022 in Na. Ka. No. 4551/2022/M2 by considering the Petitioner's representation dated 12.11.2022 within the time as may be fixed by this Court.

For Petitioner : Mr. D.Vairamoorthy
For Respondents : Mr. K.Karthikeyan,
Government Advocate

ORDER

Heard Mr. D.Vairamoorthy, Learned Counsel for the Petitioner and Mr. K.Karthikeyan, Learned Government Advocate appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. Learned Counsel for the Petitioner submits that though the Writ Petition has been filed challenging the Proceedings in Se. Mu. Na. Ka. No. 110/2023/Pa-1433 dated 11.09.2023 issued by the Third Respondent, the Petitioner would be satisfied if the representation dated 12.11.2022 made by him to the



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Third Respondent to initiate proceedings to fix fair rent by the Committee constituted under Section 34-A of the Hindu Religious and Charitable Endowments Act, 1959, pertaining to the land leased to him situate in West Street, Thiruturaipoondi Town and Taluk, Tiruvarur District comprised in Survey No. 184/5 measuring an extent of 1728 sq. ft. in the light of the Proceedings in Na. Ka. No. 4551/2022/M2 dated 10.03.2022 issued by the First Respondent is directed to disposed by the Third Respondent within the time limit that may be fixed by the Court and he has made an endorsement to that effect in the court record.

3. Having regard to the limited extent of relief confined by the Petitioner, this Court without expressing any view on the merits of the controversy involved, passes the following order:-

- (i) the concerned authority shall immediately examine the representation dated 12.11.2022 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 10 working days for the same;



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(iii) in the event of not being satisfied with the requirements even thereafter,

an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;

(iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment; and

(v) the report of such compliance shall be filed by 30.06.2024 before the Registrar (Judicial) of the Court.

In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

22.03.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 01.04.2024.

vjt



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To

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Tiruvarur District.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai - 600 104.



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P.D. AUDIKESAVALU, J.

vjt

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