



WEB COPY



W.A.(MD)No.19

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

W.A.(MD)No.19 of 2020

Thakkar,
(The Executive Officer,
Arulmighu Dhandayuthapaniswamy Temple, Madurai)
Arulmighu Puttu Urchava Vagaiyara Kattalai,
Arulmighu Sokkanathar Thirukovil,
Puttuthoppu,
Madurai-625 016.

... Appellant/Respondent

Vs

R.Pandurengan

...Respondent/Petitioner

Prayer:

This Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order dated 15.11.2019 passed by this Court in W.P(MD)No.24121 of 2019.

For Appellant : Mr.M.Saravanan

For Respondent : Mr.R.Aravindaraj

JUDGMENT

[Judgment of the Court was made by RMT.TEEKAA RAMAN, J.]

This Writ Appeal is filed against the order passed by this Court in W.P(MD)No.24121 of 2019, dated 15.11.2019.



2.The respondent filed W.P.(MD)No.24121 of 2019, challenging the impugned order passed by the Executive Officer in connection with the enhancement of ground rent and consequently, direct the appellant/respondent to refix the fair rent. The learned Single Judge, by order dated 15.11.2019, found that the rent shall be in terms of Section 34(A)(2) of Tamil Nadu Hindu Religious and Charitable Endowments Act and since the respondent/petitioner had paid the entire arrears of rent in respect of the subject property, the writ petition was closed.

3.Aggrieved against the said order passed by the learned Single Judge, the temple-appellant has preferred this writ appeal.

4.On our instructions, the appellant-Executive Officer of the temple has submitted by way of affidavit that as on date, the arrears of rent are Rs.50,050/-. It remains to be stated that the refund of land rent shall be paid in accordance with Section 34(A)(2) of the Tamil Nadu Hindu Religious and Charitable Endowments Act. Further, it is subjected to refund and hence, the order of the learned Single Judge is hereby modified to the effect that the arrears of rent in respect of the three revisional periods and the subsequent period have been submitted by the temple to be at Rs.50,050/-. The respondent/petitioner is hereby directed to pay the amount of Rs.50,050/- in six equal installment.



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5. With this modification, the Writ Appeal is allowed. No costs. If the respondent/Petitioner has already paid the amount, he need not repay the amount.

In any event, the respondent/petitioner has not paid as stated above, it is open to the temple-appellant to proceed with in accordance with law.

[T.K.R., J.] [N.S., J.]
12.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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RMT.TEEKAA RAMAN, J.
and
N.SENTHILKUMAR, J.

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