



W.A.(MD) No.391 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD)No.391 of 2024

and

C.M.P.(MD)No.3455 of 2024

S.Saravanan

... Appellant

-Vs-

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungampackam High Road,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Trivandrum Road, Palayamkottai, Tirunelveli.

3.The Administrator,
Thondai Mandala Atheenam,
No.57, Neemethakarai Street,
Periya Kanjipuram.

4.The Atheena Karthar,
Thondai Mandala Atheenam,
Rep. by Atheena Karthar,
at presently, the Administrator,
No.57, Neemethakarai Street,
Periya Kanjipuram.

... Respondents



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PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 09.01.2024 passed in W.P.(MD)No.438 of 2024 on the file of this Court.

For Appellant : Mr.S.Meenakshi Sundaram,
Senior Counsel
for Mr.R.T.Arivukumar
For R1 & R2 : Mr.S.P.Maharajan,
Special Government Pleader
For R3 & R4 : Mr.P.Ganapathi Subramanian

JUDGMENT

[Judgment of the Court was delivered by *D.KRISHNAKUMAR, J.*]

This Writ Appeal is directed against the order of the Writ Court dated 09.01.2024 passed in W.P.(MD)No.438 of 2024.

2.The appellant / writ petitioner filed the Writ Petition, seeking for a direction to the 2nd respondent to register the petition filed for fair rent fixation filed by the writ petitioner dated 27.09.2021. At the time of hearing the Writ Petition, the learned Special Government Pleader for the respondents 1 and 2 submitted that the 2nd respondent has passed an order dated 11.09.2023 under Section 34A of Hindu Religious and Charitable Endowments Act, fixing the fair rent for the subject property. The said contention was strongly objected by the



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learned Senior Counsel appearing for the writ petitioner on the ground that the 2nd respondent passed the order dated 11.09.2023 not on the application filed by the writ petitioner and the said order was passed behind his back without providing an opportunity of hearing. However, the Writ Court, after hearing both sides, disposed of the Writ Petition, granting liberty to the writ petitioner to file an appeal before the 1st respondent against the order dated 11.09.2023 passed by the 2nd respondent and further observed that on receipt of such appeal, the 1st respondent shall entertain the same without insisting on the limitation prescribed under the Act.

3.The learned Special Government Pleader appearing for the respondents 1 and 2 submitted that challenging the order dated 11.09.2023 passed by the 2nd respondent, the writ petitioner filed W.P.(MD)No.3355 of 2024 before this Court and the same is still pending.

4.We have gone through the impugned order dated 09.01.2024 passed by the Writ Court, wherein the Writ Court granted liberty to the writ petitioner to challenge the order dated 11.09.2023 passed by the 2nd respondent and the writ petitioner has also filed Writ Petition challenging the said order dated 11.09.2023 and the same is pending before the Writ Court. Therefore, we are not inclined to



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entertain this Writ Appeal. Accordingly, this Writ Appeal stands dismissed granting liberty to the writ petitioner to raise all the grounds in the said pending Writ Petition. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [R.V., J.]
14.03.2024

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

Yuva

To

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungampackam High Road,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Trivandrum Road, Palayamkottai, Tirunelveli.



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AND

R.VIJAYAKUMAR, J.

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