



W.P.(MD)No.3355 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.3355 of 2024

and

W.M.P.(MD)Nos.3333 & 3334 of 2024

S.Saravanan

... Petitioner

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 – 2.

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

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

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings dated 11.09.2023 in Mu.Mu.No.7819/2023/E5 on the file of the 2nd respondent and impugned proceedings dated 28.12.2023 in Na.Ka.No.11794/2023/E5 on the file of the second respondent and quash the same and consequently direct the second respondent to convene the meeting of lease rent committee as contemplated under Section 34 A of the HR and CE Act and consider the objections raised by the writ petitioner including one for fixing the lease rent for the land alone and also including the objections relation to the lease rent fixed for adjacent properties.

For Petitioner : Mr.V.R.Shanmuganathan

For R1 & R2 : Mr.K.S.Selvaganesan

For R3 : Mr.P.Ganapathi Subramanian

ORDER

The present writ petition is filed challenging the impugned proceedings dated 11.09.2023 issued by the Fair Rent Fixation Committee and the consequential order of the second respondent vide proceedings dated 28.12.2023 on the premise that fixation of fair rent is contrary to the law laid down by the Hon'ble Division Bench of this Court in *Arulmigu Angala Parameshwari Vs. the State of Tamil Nadu and others* reported in 2009-3-

L.W.728.



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2. It is submitted by the learned counsel for the petitioner that the petitioner is a lessee of the property situated in Door No.12, 12(1) to 12(6) (Old Door No.17B to 17L), East Car Street, Tirunelveli which belongs to the respondent mutt. The petitioner deposited a sum of Rs.36,00,000/- to the respondents/authorities. Thereafter, the petitioner constructed a building measuring 23,790 sq.ft in the subject property after obtaining necessary building plan approval and he is in occupation of the said building since 2004. At present, the petitioner is paying a rent of Rs.2,60,000/- per month without any default.

3. It is also submitted by the learned Counsel for the petitioner that since the respondent mutt was demanding huge amount as rent, the petitioner submitted a representation dated 27.02.2021 to the second respondent for fixing fair rent for the subject property. Thereafter, the second respondent, vide communication, dated 28.03.2022 stated that steps have been taken for fixing the fair rent. The respondent mutt issued proceedings dated 19.10.2023, calling for objections regarding fixation of rent at the rate of Rs.10,05,200/- per month. Subsequently, the petitioner submitted his explanations on 02.11.2023, 06.11.2023 and 27.11.2023 respectively and the respondent mutt vide reply dated 14.11.2023, stated that the Fair Rent Fixation Committee will pass final orders after considering the objections of the petitioner.



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4. Pursuant thereto, the second respondent, i.e., vide proceedings, dated 28.12.2023, rejected the petitioner's objections. The above proceedings of the second respondent dated 28.12.2023 is the subject matter of challenge on the premise that the Fair Rent Fixation Committee, while fixing the fair rent, has not considered the objections filed by the petitioner. Instead, the second respondent herein, proceeded to fix the fair rent on its own terms and the same is in violation of the procedure laid down by the Division Bench of this Court in the case of *Arulmigu Angala Parameshwari Vs. the State of Tamil Nadu and others* reported in **2009-3-L.W.728**, in terms of Section 34-A of the HR &CE Act, wherein, it has been held that Fair Rent Fixation Committee shall hear the parties before determining the fair rent.

5. Admittedly in the present case, the Fair Rent Fixation Committee after issuing a notice, has not considered and dealt with the objections filed by the petitioner. The impugned order is a non-speaking order.

6. At this juncture, the learned Additional Government Pleader appearing for the first and second respondents would submit that the Fair Rent Fixation Committee would consider the petitioner's objections and orders would be passed thereon in accordance with law. The same is acceded to by the learned



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Counsel for the petitioner.

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7. In view thereof, this Writ Petition stands disposed of with a direction to the respondent authorities to consider the petitioner's objection and pass orders in accordance with law, within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

NCC:yes/no
Index:yes/no
Internet:yes/no
jbr

23.09.2024

To:

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MOHAMMED SHAFFIQ, J.

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