



W.P.(MD) No.6792 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2024

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.6792 of 2023

and

W.M.P.(MD) No.6358 of 2023

A.Murugan

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious Endowment Department,
Chennai – 34.

2.The Joint Commissioner,
Hindu Religious Endowment Department,
Tirunelveli.

3.The Executive Officer,
Arulmigu Nellaiyappar &
Arultharum Gandhimathi Amman Temple,
Tirunelveli – 627 006,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the third respondent pertaining to the impugned order dated 02.12.2022 and quashing the same as illegal and arbitrary and consequently directing the respondents to fix the fair rent to the petitioner's Shop No.153/C2



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which is situated in front of the third respondent temple within a time limit that may be stipulated by this Court.

For Petitioner : Mr.AD.Ganeshamoorthi

For R1 & R2 : Mr.P.T.Thiraviam
Government Advocate

For R3 : Mr.S.Madhavan

ORDER

The petitioner has challenged the impugned communication of the third respondent dated 02.12.2022 calling upon him to pay the revised rent of Rs.4,500/- per month for the period starting from 01.07.2019 and ending with 30.06.2022.

2. It appears that the rent for the Shop No.153/C2 at Keezharathaveethi, Tirunelveli Town, measuring 81 sq.ft. which belonged to the third respondent temple was fixed at Rs.1,040/- w.e.f. 01.01.1997.

The rent was subsequently revised as follows:-

Sl. No.	Revised Rent	w.e.f.
1	Rs.1,600/-	01.11.2001
2	Rs.1,840/-	01.07.2004
3	Rs.2,116/-	01.07.2007
4	Rs.2,433/-	01.07.2010



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5	Rs.2,800/-	01.07.2013
6	Rs.3,300/-	01.07.2016
7	* Rs.4,500/-	01.07.2019

* challenged in this W.P.

3. It is submitted that the fixation of rent at Rs.4,500/- by the third respondent for the very small shop measuring 81 sq.ft. for the period between 01.07.2019 and 30.06.2022 is without considering the petitioner's representations dated 08.02.2022, 05.03.2022 & 12.11.2019 and is arbitrary and illegal.

4. It is further case of the petitioner that the petitioner has been paying the rent of Rs.3,300/- revised earlier without any default. Thus, the impugned communication dated 02.12.2022 is without any merits.

5. The learned Government Advocate for the first and second respondents would submit that this Writ Petition is premature and is liable to be dismissed. It is submitted that rent was revised as early as 25.09.2019 from Rs.3,300/- to Rs.4,300/- w.e.f. 01.07.2019. The petitioner has failed to file appeal against the aforesaid order dated



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25.09.2019 before the Appellate Commissioner under Section 34-A(3) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

Therefore, there are no merits in this Writ Petition. That apart, at best, it is submitted that the petitioner may be relegated to work out his remedy under Section 34-A(3) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 if this Court is inclined to interfere with the impugned communication dated 02.12.2022.

6. The learned counsel for the third respondent would submit that the rent has been further revised to Rs.5,200/- on 01.04.2024. It is submitted that the petitioner has not paying the regular rent and therefore, the impugned communication has been issued. It is further submitted that this Writ Petition is premature and is liable to be dismissed. It is submitted that the petitioner is in arrears of Rs.55,157/- as on date and on this count also, this Writ Petition is liable to be dismissed.

7. I have considered the arguments advanced by the learned counsel for the petitioner, the learned Government Advocate for the first and second respondents and the learned counsel for the third respondent.



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WEB COPY 8. The third respondent temple cannot be deprived of its legitimate revenue, which is required for the maintenance of the temple. The petitioner cannot squat at the property of the temple and dictate the rent. As a matter of fact, the procedure is prescribed under the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 for fixation of fair rent. The rent was revised as early as 25.09.2019. More than 5 years have lapsed since the aforesaid order was passed revising the rent by the committee under Section 34 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

9. Therefore, in absence of challenge to the aforesaid order dated 25.09.2019 before the first respondent Commissioner under Section 34-A(3) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, this Court is of the view that there are no merits in this Writ Petition.

10. It is noticed that the petitioner is in arrears of Rs.55,157/- from 2017 till date. That apart, it appears that the rent has been further revised to Rs.5,200/- on 01.04.2024. Therefore, the petitioner is directed to pay



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the arrear amount. Liberty is given to the petitioner to challenge the revision of rent to Rs.5,200/- on 01.04.2024.

11. Accordingly, this Writ Petition stands dismissed with the above observations. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

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Copy To:

- 1.The Commissioner,
Hindu Religious & Charitable Endowments Department,
Uthamar Gandhi Road,
Thousand Lights West, Nungambakkam,
Chennai, Tamil Nadu - 600034.
- 2.The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Tirunelveli.



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C.SARAVANAN, J.

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