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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.04.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P.(MD) No.9612 of 2024
and
W.M.P.(MD) No.8716 of 2024

M.Muruganantham ... Petitioner

/vs./

1.The Commissioner,
Hindu Religious and Charitable Endowment Office,
Uththamar Gandhi Road,
Nungambakkam,
Chennai -34.

2.Joint Commissioner/Administrative Officer,
Arulmigu Dandayuthapani Swamy Thirukovil,
Palani 624 601.

3.Special Deputy Collector,
Revenue Court,
Madurai. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the 2nd

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respondent in Na.Ka.No.6165/2023/c1-1 dated 29.12.2023 and quash the same as illegal.

For Petitioner	: Mr.B.Vasanthan
For R1 & R3	: Mr.P.Subbaraj Special Government Pleader
For R2	: Mr.R.Murali Standing Counsel

ORDER

Heard Mr.B.Vasanthan, learned counsel for the petitioner, Mr.P.Subbaraj, learned Special Government Pleader for the respondents 1 and 3 and Mr.R.Murali, learned Standing Counsel for the second respondent.

2.The petitioner has received the impugned show cause notice dated 29.12.2023 bearing Na.Ka.No.6165/2023/C1-1 from the second respondent. In the said show cause notice, the petitioner has been asked to show cause as to why the petitioner should not be called upon to pay the rent for the Fasali 1431 and 1432.

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3.The specific case of the petitioner appears to be that there was exemption by Government Orders for Fasali 1422 and 1426. However, the respondents have adjusted the Fasali paid for the subject Fasali years, namely 1431 and 1432 for the Fasali 1422 and 1426 and therefore, the proposed demand is without jurisdiction. In this connection, the learned counsel for the petitioner has drawn attention to the receipts for the Fasali 1431 and 1432, wherein it has been stated that the amount paid was being adjusted towards the arrears of rent due for the Fasali 1422 and 1426.

4.Be that as it may, the petitioner has only been asked to show cause as to why the amount should not be demanded from the petitioner. There is no finality to the issue. The petitioner has given a reply dated 08.01.2024.

5.Although the learned Special Government Pleader for the respondents 1 and 3 would submit that the reply is beyond the period of limitation given in the impugned notice, I am of the view that the writ petition can be disposed of at the time of admission by directing the second respondent to pass appropriate orders on the reply dated 08.01.2024 followed by a legal notice dated 27.01.2024 of the

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petitioner on merits and in accordance with law duly considering the Government Notification referred to by the petitioner in the reply dated 08.01.2024 stating that there was exemptions during Fasali 1422 and 1426. It is made clear that no coercive measures shall be initiated against the petitioner without following due process of law. The petitioner shall be heard by the second respondent before appropriate order is passed.

6.With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

22.04.2024

Index : Yes / No
Internet : Yes / No
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To

1.The Commissioner,
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Uththamar Gandhi Road,
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2.Special Deputy Collector,
Revenue Court,
Madurai.

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C.SARAVANAN, J.

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