



W.P.(MD) No.11993 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.11993 of 2024
and
W.M.P.(MD) No.10676 of 2024**

S.Usha

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
No.119, Uthamar Gandhi Road,
Nungambakkam, Chennai -600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment (Admn.) Department,
Tirunelveli.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Tirunelveli.

4.The Inspector,
Hindu Religious and Charitable Endowment Department,
Ambasamudram,
Tirunelveli District.

5.The Renenue Inspector,



W.P.(MD) No.11993 of 2024

Ambasamudram,
Tirunelveli.

6.The Village Administrative Officer,
Mela Ambasamudram Village,
Ambasamudram Taluk,
Tirunelveli.

7.Arulmigu Agastheeswarar Swamy Temple,
Represented by its Trustee,
Ambasamudram,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings of the 7th respondent dated 09.02.2024 and the consequential proceedings of the 7th respondent dated 11.05.2024, quash the same and direct the respondents to fix the fair rent for the petitioner's shop No.14/71 at Sandhai Bazaar North Street, Ambasamudram Village and Taluk, Tirunelveli as per the circular of the 1st respondent and as per law and as directed by this Court in W.P.(MD) No.21543 of 2022.

For petitioner : Mrs.J.Anandhavalli

For respondents : Mr.P.Subbaraj

Special Government Pleader for R1 to R6

Mr.V.R.Shanmuganathan for R7



W.P.(MD) No.11993 of 2024

WEB COPY

ORDER

This is the second round of litigation before this Court. Earlier, the seventh respondent herein had enhanced the rent payable by the petitioner from Rs.1,250/- to Rs.3,000/- and hence, the petitioner filed O.S.No.165 of 2019 before the District Munsif Court, Ambasamudram. Pending the suit, the petitioner was also evicted from the property and therefore, the petitioner rushed to this Court in W.P.(MD).No.21543 of 2022 and secured final order at the time of admission on 22.09.2022. Relevant portion is extracted hereunder:

“7. In view of the fact that the petitioner has now come forward to pay 75% of the fair rent and also in view of the fact that the fixation of fair rent is contrary to the consistent view expressed by this Court that any fixation must be made after issuance of notice by the Fair Rent Fixation Committee, this Court is inclined to restore possession to the petitioner and direct the Respondents to remove the seal forthwith as the petitioner had paid 75% of the fair rent fixed until 30.06.2022. The petitioner shall continue to remit the fair rent fixed until the Fair Rent Fixation Committee completes the process of fixing the fair rent from the year 2017 onwards after providing a reasonable opportunity of being heard to the petitioner. As stated above, it is made clear that it is open to the respondents to refix the fair rent afresh in accordance with law for the subsequent period viz 2021 onwards. For the above reason, the impugned order, dated 30.08.2022 is set aside with the above observation/direction.”



W.P.(MD) No.11993 of 2024

WEB COPY

5. Having considered the submissions made by the learned counsel for the petitioner, the learned Special Government Pleader for the respondents 1 to 6 and the learned counsel for the seventh respondent, this Court is inclined to dispose of this Writ Petition with the consent of the learned counsel for the petitioner, the learned Special Government Pleader for the respondents 1 to 6 and the learned counsel for the seventh respondent, at the time of admission by quashing the impugned communication dated 09.02.2024 by the seventh respondent enhancing the rent from Rs.3,000/- to Rs.3,900/- for the period starting from 01.07.2022 to 30.06.2025.

6. The Official respondents/respondents 1 to 6 are directed to refix the fair rent for both periods *i.e.*, for the earlier period – between 01.07.2016 to 30.06.2022 and for the subsequent period – 01.07.2022 to 30.06.2025, which would also imply compliance with the orders passed by the learned Single Judge on 22.09.2022 in W.P(MD)No.21543 of 2022.

7. This exercise shall be completed by the official



W.P.(MD) No.11993 of 2024

WEB COPY

respondents/respondents 1 to 6 by constituting a Committee under Section 34A of the TNHR&CE Department, 1959, as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order.

8. Pending such exercise, the petitioner shall continue to pay aforesaid rent as directed vide order dated 22.09.2022 in W.P(MD)No.21543 of 2022. It is made clear that if any enhancement of the rent is made, it will apply retrospectively for the period specified herein, in which case petitioner shall pay such enhanced rent to the respondent/temple.

This Writ Petition is disposed of, with above directions. No costs.
Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes / No
apd

11.06.2024

To

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
No.119, Uthamar Gandhi Road,

6/8



W.P.(MD) No.11993 of 2024

WEB COPY

Nungambakkam, Chennai -600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment (Admn.) Department,
Tirunelveli.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Tirunelveli.

4.The Inspector,
Hindu Religious and Charitable Endowment Department,
Ambasamudram,
Tirunelveli District.

5.The Renenue Inspector,
Ambasamudram,
Tirunelveli.

6.The Village Administrative Officer,
Mela Ambasamudram Village,
Ambasamudram Taluk,
Tirunelveli.



WEB COPY



W.P.(MD) No.11993 of 2024

C.SARAVANAN, J.

apd

W.P.(MD) No.11993 of 2024

11.06.2024