



W.A.(MD).No.2513 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.A.(MD).No.2513 of 2024

and

C.M.P.(MD).No.17639 of 2024

M.Kumarasamy Health and Educational Trust,
127, Main Road, Thalavapalayam,
Punjaithotta Kurichi Village,
Pugalur Taluk,
Karur District,
Represented by its
Trustee K.R.Charan Kumar.

... Appellant/Writ Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam,
Chennai - 600 034.
- 2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Thiruppur.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Karur.



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4.The Fit Person / Executive Officer,
Arulmigu Mariamman Thirukovil,
Thalavapalayam, Pugalur Taluk,
Karur District.

5.Arulmigu Mariamman Thirukoil,
Represented by its Hereditary Trustee,
K.M.Magenta Balaji,
Thalavapalayam, Pugalur Taluk,
Karur District.

... Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to allow this Writ Appeal and set aside the order of the learned Judge dated 29.02.2024 in W.P.(MD).No.31345 of 2023.

For Appellant	: Mr.G.Prabhu Rajadurai for Mr.V.Sukumar
For R-1 to R-4	: Mr.J.Ashok Additional Government Pleader
For R-5	: Mr.P.Athimoola Pandian

JUDGMENT

(Judgment of the Court was made by M.S.RAMESH,J.)

The present Writ Appeal has been filed challenging the order of the learned Single Judge in W.P.(MD).No.31345 of 2023 dated 29.02.2024.



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2. Apart from the questioning the quantum of fixation of fair rent by the first respondent herein, the learned counsel for the appellant has also questioned the period for such fixation between 01.12.2013 and 30.06.2016. The appellant is aggrieved only against Clause 9(v) of the order passed in the Writ Petition in W.P.(MD).No.31345 of 2023 dated 29.02.2024, where there was a direction to the appellant Trust to pay a sum of Rs.25,00,000/- within a stipulated time, adjustable from the fair rent to be determined for review of fixation. The learned counsel further submitted that he is not pressing any of the other grounds raised in the Writ Appeal challenging the entire order of the writ Court.

3. When the appellant herein questions the very procedure adopted for fixation of fair rent as well as the period of fixation between 01.12.2013 to 30.06.2016, the condition in Clause 9(v) of the order passed in the Writ Petition would be an onerous condition and in case, the appellant succeeds before the revisional authorities, serious prejudice could be caused to them. In this background, we deem it appropriate to set aside the condition for payment of the adjustable fair rent.



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4. In the light of the submissions made by the learned counsel for the appellant, no interference is required to any of the other observations or findings in the order passed in the Writ Petition.

5. Accordingly, Clause 9(v) of the order passed in W.P.(MD).No.31345 of 2023 dated 29.02.2024 alone is set aside. All the grounds raised in this Writ Appeal are left open for the parties to agitate before the Committee constituted under Section 34(A) of the Hindu Religious and Charitable Endowments Act, 1959.

6. The Writ Appeal stands disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(M.S.R.,J.) (A.D.M.C.,J.)
06.12.2024

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