



W.P.(MD)No.19040 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.19040 of 2024

and

W.M.P.(MD)Nos.16113 and 16114 of 2024

K.Murthi

... Petitioner

Vs.

1.The Joint Commissioner,
Office of the Joint Commissioner,
Hindu Religious and Charitable Endowment,
Dindigul District.

2.The Assistant Commissioner,
Office of the Assistant Commissioner,
Hindu Religious and Charitable Endowment
Theni District.

3.The Executive Officer,
Arulmigu Moongilanai Kamatchiamman
Thirukovil, Devathanapatti,
Periyakulam Taluk,
Theni District.

... 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 relating to the impugned final notice of the first respondent herein dated 13.06.2023 in respect of lease of cultivable land in Survey No.1585/3 measuring 4.28 acres situated in Devathanapatti, Periyakulam Taluk, Theni District, quash the same



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and consequently forbearing the respondents herein from collecting lease amount without following due process of law.

For Petitioner : Mr.K.Appadurai

For R-1 and R-2 : Mr.K.S.Selva Ganesan
Additional Government Pleader

For R-3 : Mr.V.Chandrasekar

ORDER

This Writ Petition is filed challenging the final notice dated 13.06.2023, whereby the petitioner was directed to pay annual rent of Rs.1,35,000/- and to also execute a lease deed failing which appropriate proceedings under Section 78 and 79 of the Hindu Religious and Charitable Endowments Act, would be initiated.

2. It is submitted by the learned counsel for the petitioner that the petitioner's father was a registered cultivating tenant of the third respondent Temple in terms of the proceedings of the Tahsildar, Periyakulam, Form-V No. 14/91 dated 03.10.1991 in respect of Survey No.1585/2003 measuring 4.28 acres situated in Devathanapatti, Periyakulam Taluk, Theni District. It is submitted that the petitioner's father had paid annual lease rent of Rs.600/- which is equivalent to 25% of agricultural produce in the said field. After the



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demise of petitioner's father, the petitioner was in continuous possession and enjoyment and had paid an annual lease rent of Rs.1500/- to the third respondent which according to him represented 25% of the agricultural produce. While so, the petitioner was served with the demand notice dated 13.06.2023, whereby a sum of Rs.1,35,000/- was demanded towards the annual rent by placing reliance on the report of the Statistics Department which indicated that harvest of sugarcane in 1 hectare is 103 tonnes in which 25% of the same would work out to 45 tonnes. Applying the above data/ratio to the lands which has been taken on lease by the petitioner, the petitioner's liability works out to Rs.1,35,000/- in terms of the above data viz., Rs.3,000/- per ton x 45 tonnes = Rs.1,35,000/-.

3. It is further submitted by the learned counsel for the petitioner that the impugned notice is made on the basis of certain data issued by the Statistics Department, which may not be applicable to the land taken on lease by the petitioner that the liability on the petitioner ought to be determined in terms of Section 24 of the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961. It is submitted that Section 24 of the Act fixes the statutory fair rent and the impugned demand notice does not have any statutory basis and thus the same is liable to be set aside.



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4. To the contrary, it was submitted by the learned counsel for the respondents that what has been worked out is on the basis of report of the Statistics Department which is a result of scientific study and therefore, the petitioner is liable to pay a sum of Rs.1,35,000/- as indicated in the impugned order.

5. Heard the submissions made on both sides and perused the materials available on record.

6. Before proceeding further, it may be relevant to extract Section 24 of the Act as under:

**24. What is fair rent.- (1) Fair rent shall be 25 per cent of the normal gross produce or its value in money.*

.....

(3) Where the contract of tenancy provides for payment of a rent lower than the fair rent payable under the above provisions, the contract rent alone shall be payable during the contract period.



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7. It is not in dispute that Section 24(3) of the Act may not have any relevance to the facts of the present case, as there is no contract of tenancy entered into between the petitioner and the third respondent and thus the fair rent would have to be determined in terms of Section 24 (1) of the Act, viz., 25% of the normal gross produce or its value in money. This is an exercise which may have to be undertaken by the respondents after issuing notice to the petitioner, taking into account that the normal gross produce in a particular region for there is a possibility that the gross produce may vary from region to region.

8. In view thereof, the respondents shall issue notice to the petitioner and the petitioner may submit their representation along with the relevant data to indicate the gross produce in the subject land. Thereafter, 25% of the normal gross produce in the subject land can be fixed. In the meanwhile, the petitioner shall pay the admitted amount of Rs.20,000/- for the first year which shall be adjusted once the fair rent is arrived at in terms of Section 24 of the Act. The said amount of Rs.20,000/- shall be paid within a period of four weeks from the date of receipt of a copy of this order. The above exercise of determining the fair rent in terms of Section 24 of the Act shall be carried out by the appropriate authority as expeditiously as possible.



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9. Accordingly, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

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NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

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MOHAMMED SHAFFIQ, J.

Nsr

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