



W.A(MD)Nos.729 to 753 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2024

CORAM :

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A(MD)Nos.729 to 753 of 2024
and
Connected Miscellaneous Petitions**

W.A(MD)No.729 of 2024

S.B.Kumar

... Appellant

vs.

1. The Joint Commissioner / Executive Officer,
Arulmigu Ramanathaswamy Thirukovil,
Rameshwaram,
Ramanathapuram District.

2. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai-600 034.

... Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent, against the common order dated 11.09.2023 made in W.P(MD)No.20982 of 2023.

For Appellant	: Mr.S.Srinivasa Raghavan for Mr.R.L.Dilipan Pandian
For R1	: Mr.S.Ramesh
For R2	: Mr.P.T.Thiraviam Government Advocate



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COMMON JUDGMENT

(Judgment of the Court was made by **R.SURESH KUMAR, J.**)

This batch of writ appeals have been filed challenging the common order passed by the Writ Court, dated 11.09.2023 in W.P(MD)No.20982 of 2023 etc.

2. Against the very same common order passed by the Writ Court dated 11.09.2023, already a batch of writ appeals in W.A(MD)Nos.569 to 583 of 2024 had been filed, which came to be disposed of by our order dated 03.04.2024, where, we have passed the following order:-

"19. In the result, these Writ Appeals are disposed of with the following order:-

(i) That the impugned common order passed by the Writ Court dated 11.09.2023 in W.P(MD)Nos.20960 to 20966, 20968 to 20970, 20973, 20974, 20980, 20978 and 20981 of 2023 etc., batch, is hereby set aside.

(ii) As a sequel, it is open to the appellants to prefer an appeal by each of them against the order of fixing the rent dated 10.07.2023 before the appellate authority namely, The Commissioner, HR & CE, under Section 34A(3) of the HR & CE Act.

(iii) Though 30 days limitation has been prescribed under the said provision to prefer an appeal, in view of the pendency of the writ petitions and subsequently, these writ appeals, as the litigation has been lingering in this Court for all these time, we feel that 30 days time can be given from today to these appellants to prefer such appeals. It is made clear that within the said 30 days, if no appeals are filed, no



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further extension of time of limitation under Section 34A(3) here under any circumstances be given.

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(iv) Till such a decision is taken by the appellate authority i.e., The Commissioner, HR & CE, in the appeals to be filed by these appellants, the appellants are permitted to pay the present rent to the temple authorities without prejudice to the rights and contentions of both the parties.

(v) It is made clear that the permission given by this Court to pay the current rent would not confer any right on these appellants to claim the right of lesseeship from the temple authorities, as that issue has to be completely gone into on merits only by the appellate authority.

(vi) The permission given by this Court to pay the current rent i.e., before enhancement, by these appellants would not preclude the right of claiming more rent by the temple authorities, if the same is volunteered by the appellants by the written consent individually to be given or had been given in this regard."

20. With all these directions, all the Writ Appeals are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

3. Though Mr.S.Ramesh, learned counsel appearing for the respondent/temple wanted to raise some additional points, we are not impressed with the same, because, already a batch of writ appeals having been entertained, was disposed to the above terms as indicated in paragraph 19 of the said order dated 03.04.2024, and this batch of writ appeals are the remaining cases against the very same impugned order, we want to follow our order dated 03.04.2024.



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4. Resultantly, in this batch of writ appeals also, following orders are passed:-

(i) That the impugned common order passed by the Writ Court dated 11.09.2023 in W.P(MD)Nos.20982, 20976, 20984, 20985, 20987, 20995, 21000, 21001, 20983, 20989, 20991, 20994, 20996, 20998, 20999, 21002, 20990, 20992, 20993, 21003, 20997, 20972, 20979, 20975 and 20977 of 2023, is hereby set aside.

(ii) As a sequel, it is open to the appellants to prefer an appeal by each of them against the order of fixing the rent dated 10.07.2023 before the appellate authority namely, The Commissioner, HR & CE, under Section 34A(3) of the HR & CE Act.

(iii) Though 30 days limitation has been prescribed under the said provision to prefer an appeal, in view of the pendency of the writ petitions and subsequently, these writ appeals, as the litigation has been lingering in this Court for all these time, we feel that 30 days time can be given from today to these appellants to prefer such appeals. It is made clear that within the said 30



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days, if no appeals are filed, no further extension of time of limitation under Section 34A(3) here under any circumstances be given.

(iv) Till such a decision is taken by the appellate authority i.e., The Commissioner, HR & CE, in the appeals to be filed by these appellants, the appellants are permitted to pay the present rent to the temple authorities without prejudice to the rights and contentions of both the parties.

(v) It is made clear that the permission given by this Court to pay the current rent would not confer any right on these appellants to claim the right of lesseeship from the temple authorities, as that issue has to be completely gone into on merits only by the appellate authority.

(vi) The permission given by this Court to pay the current rent i.e., before enhancement, by these appellants would not preclude the right of claiming more rent by the temple authorities, if the same is volunteered by the appellants by the written consent individually to be given or had been given in this regard.



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5. With all these directions, all the Writ Appeals are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No (R.S.K., J.) (G.A.M., J.)
Neutral Citation : Yes / No 22.04.2024
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Note to Registry : Issue order copy on 23.04.2024

To

1. The Joint Commissioner / Executive Officer,
Arulmigu Ramanathaswamy Thirukovil,
Rameshwaram,
Ramanathapuram District.

2. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai-600 034.



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and
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