



WP(MD)Nos.32, 36, 73 and 169 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 30.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE **B. PUGALENDHI**

WP (MD) Nos.32, 36, 73 and 169 of 2024

and

WMP (MD) Nos.19, 30, 58 and 193 of 2024

M.Arockia Sebastian	...Petitioner in WP (MD) No.32 of 2024
S.Saraswathi	...Petitioner in WP (MD) No.36 of 2024
M.Saravanan	...Petitioner in WP (MD) No.73 of 2024
S.John Baskar	...Petitioner in WP (MD) No.169 of 2024

Vs

1.The Joint Commissioner,
Hindu Religious and
Charitable Endowments Department,
40, Muthusamy Nagar,
Tiruppathur Road,
Sivagangai,
Sivagangai District.

2.The Fit Person,
Arulmigu Anna Chatram,
Kalaiyarkoil,
Kalaiyarkoil Taluk,
Sivagangai District.

... Respondents



WP(MD)Nos.32, 36, 73 and 169 of 2024

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records of the impugned order passed by the 2nd respondent dated 11.09.2003 and the consequential impugned notices issued by the 2nd respondent dated 07.11.2023 and 01.12.2023 and quash the same as illegal and also directing the respondents to re-fix the rent only to the vacant site leased out to the petitioners for monthly rent at an extent of 3514.50 Sq.ft comprised in S.No.319/3 situated at A.L.A.R Street, at an extent of 1995 sqft comprised in S.No.400/10, at an extent of 701 sqft comprised in S.No.400/100, at an extent of 2030.88 sqft Comprised in S.No.400/10 situated at Thondi main Road, Kalaiyarkoil, Kalaiyarkoil Taluk, Sivagangai district by following the fair rent fixed on 10.01.2003 by the Fair Rent Committee.

For Petitioner : Mr.C.Guhaseelan

For Respondents : Mr.P.Subburaj

Special.Govt.Pleader

ORDER

The petitioners are the tenants of the 2nd respondent Anna Chatram situated at Kalaiyarkovil, Sivagangai District.



WP(MD)Nos.32, 36, 73 and 169 of 2024

2.This Anna Chatram is under the control of the Hindu Religious and Charitable Endowments Department. The vacant site in S.Nos.319/3, 400/10, 400/10, and 400/10 were leased out in the year 2001, 1977, 1981 and 1998 to the petitioners respectively. Based on the request of the petitioners permission to put up a superstructure in the vacant sites was granted by the 2nd respondent on 09.02.1983, 21.07.1984 and 02.11.1985 respectively.

3.Now the grievance of the petitioner is that the respondents have claimed rent for the vacant site along with the superstructure and that too without any notice to the petitioners. Therefore, the petitioners have already filed writ petitions before this Court in WP(MD)Nos.24099, 24100, 24098, 24095 and 24096 of 2018 respectively and the same were disposed of by this Court vide order dated 13.12.2019 to fix the fair rent by providing an opportunity of hearing to the petitioners. Thereafter another demand notice has been issued to the petitioners and the said demand notices are challenged herein.



WP(MD)Nos.32, 36, 73 and 169 of 2024

4.The learned Counsel for the petitioners submits that the 2nd respondent has fixed the rent for the superstructures also, which were put up by the petitioners and that too on the permission of the HR and CE Department. According to the learned Counsel for the petitioners the vacant site alone was leased out to these petitioners, wherein the petitioners were permitted to put up superstructure and they are in occupation. Now the 2nd respondent is demanding rent for the superstructures also. The learned Counsel also relied on the permission letters given by the 2nd respondent permitting the petitioners to put up superstructures on 09.02.1983, 21.07.1984, 02.11.1985 respectively. Insofar as the petitioner in WP(MD)No.169 of 2024 John Baskar is concerned by proceedings dated 10.01.2003 the fair rent was fixed only for the vacant site.

5.Further insofar as the petitioner Arockia Sebastian is concerned, he is in possession of 3514.5Sqft only, but the respondents have calculated as if he is in possession of 11,951 Sqft.



WP(MD)Nos.32, 36, 73 and 169 of 2024

6.This Court considering the submissions made on either side in the earlier occasion, has directed the petitioners to remit a part amount demanded by the respondents. Accordingly the petitioners have also paid the amount on 18.01.2004.

7.When these writ petitions are taken up for hearing, the Executive Officer of the respondent temple is present before this Court and he agreed for the revised rent for the vacant site.

8.The learned Special Government Pleader appearing for the respondent submits that the rent has been fixed based on the recommendation of the Fair Rent Fixing Committee constituted in the year 2017 and the Committee has revised the rent in the year 2018. In the earlier round of litigations, this Court has directed the respondents to provide an opportunity of hearing to the petitioners and to fix the fair rent. Accordingly opportunity was provided to these petitioners and only thereafter the fair rent was fixed.



WP(MD)Nos.32, 36, 73 and 169 of 2024

9.The learned Special Government Pleader fairly submits that the rent has been fixed for the vacant site and also for the superstructures.

10.This Court considered the rival submissions and perused the materials placed on record.

11.The 2nd respondent is a Anna Chatram now it is under the control of the Hindu Religious and Charitable Endowments Department. The 2nd respondent Anna Chatram is managed by the trustee. The property of the 2nd respondent were leased out in the years 2001, 1977, 1981 and 1998 respectively. The petitioners were also permitted to put up superstructures in the vacant site. Under such circumstances, these writ petitions are disposed of with a direction to the 2nd respondent to fix the fair rent for the vacant site excluding the superstructures put up by the petitioners and the petitioners have to pay the revised rent to the 2nd respondent within a period of three months from the date of receipt of the notice to be issued by the



WP(MD)Nos.32, 36, 73 and 169 of 2024

respondents. In the event if the petitioners are in arrears of rent the 2nd respondent is at liberty to take appropriate action under Section 78 of the Hindu Religious and Charitable Endowments Act treating them as encroachers.

12.Since the petitioner in WP(MD)No.32 of 2024 claims that he is in possession of 3514.5 sqft, the same shall be verified by the respondents before fixing the fair rent.

13.These writ petitions are disposed of in the above terms. No costs. Consequently connected miscellaneous petitions are closed.

30.01.2024

Internet : Yes / No

DSK



WP(MD)Nos.32, 36, 73 and 169 of 2024

To

WEB COPY

- 1.The Joint Commissioner,
Hindu Religious and
Charitable Endowments Department,
40, Muthusamy Nagar,
Tiruppathur Road,
Sivagangai,
Sivagangai District.
- 2.The Fit Person,
Arulmigu Anna Chatram,
Kalaiyarkoil,
Kalaiyarkoil Taluk,
Sivagangai District.



WEB COPY



WP(MD)Nos.32, 36, 73 and 169 of 2024

B. PUGALENDHI , J .

dsk

**WP (MD) Nos .32 , 36 , 73
and 169 of 2024**

30 .01 .2024