



W.P.(MD) No.31348 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.31348 of 2023

and

W.M.P.(MD)Nos.26904 of 2023 and 9873 of 2024

V.Neerkathalingam

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment,
No. 119, Uthamar Gandhi Road, Nungambakkam,
Chennai - 34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Madurai.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Nachi Street, Virudhunagar – 630 561.

4.The Executive Officer,
Arulmigu Krishnansamy Thirukovil,
Sundarapandiam, Virudhunagar District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, directing the respondents 2 to 4 to survey the actual rental premises and rectify the rental area as 924 sq.ft. instead of 2700 sq.ft. in S.No.413/25, situated at Sundarapandiam Village,



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Watrap, Virudhunagar District, by considering the petitioner's representation dated 20.12.2023.

For Petitioner	: Mr.R.Aravindraaj
For R1 to R3	: Mr.P.T.Thiraviam Government Advocate
For R4	: Mr.P.Mahendran Standing Counsel

ORDER

This Writ Petition has been filed by the petitioner for a direction to the respondents 2 to 4 to survey the actual rental premises and rectify the rental area as 924 sq.ft. instead of 2700 sq.ft. in S.No.413/25, situated at Sundarapandiam Village, Watrap, Virudhunagar District, by considering his representation dated 20.12.2023.

2. This Writ Petition is opposed by the respondents on the ground that the petitioner is a tenant right from the year 1989 and that the petitioner has been paying the rent all along and that periodical revision of rents were also made as per the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 [hereinafter referred to as "the H.R. & C.E. Act"].



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WEB COPY 3. It is submitted that the petitioner was issued with notice by the fourth respondent, dated 24.08.2017, wherein the petitioner was informed about the arrears of rental dues. A similar notice was also issued on 13.01.2022, wherein the petitioner was informed about the increase in the rent and the arrears of rent as on date.

4. It is submitted that the petitioner has sent a representation dated 26.10.2022 to the fourth respondent by unilaterally stating that the rented premises was only 1100 sq.ft. It is further submitted that in another representation dated 30.05.2023 also, the petitioner has stated that the rented premises is 1100 sq.ft. Now, the petitioner claims that he is in possession of only 924 sq.ft.

5. Considering the aforesaid facts and circumstances of the case, I am of the *prima facie* view that there are indications that the petitioner has been unilaterally reducing the extent in his possession to stave off the demand for the arrears of rent by the fourth respondent. Therefore, there is no case made out for directing the respondents 2 to 4 to survey the premises at this stage.



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6. The Rental Agreement dated 01.12.1988 filed by the petitioner in the Typed Set is also disputed by the Temple Authorities. Be that as it may, I am of the view that there is no case made out for issuing a direction to the respondents 2 to 4 to survey the premises. However, the petitioner is at liberty to challenge the respective demand notices in the manner known to law before the authority prescribed under the H.R. & C.E. Act.

7. This Writ Petition stands disposed of with the above observation.

No costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
smn2
To

19.06.2024

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4.The Executive Officer,
Arulmigu Krishnansamy Thirukovil,
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C.SARAVANAN, J.

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