



W.P.No.1352 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 22.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.1352 of 2025 and
WMP No.1603 of 2025

Thilagamani

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Nungampakkam High Road,
Chennai 600 034.
2. The Rent Fixation Committee,
rep. by the Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
64/2, North Neela Street,
Nagapattinam 611 001.
3. The Executive Officer,
(Arulmighu Bawa Oushadeeswarar)
Arulmighu Piravi Marudeeswarar Swamy Temple,
Thiruthuraipoondi Town and Taluk,
Tiruvarur District.

... Respondents



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Prayer: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order dated 24.06.2024 passed by the second respondent committee fixing the rent and consequential impugned communication dated 11.11.2024 issued by the third respondent and quash the same as unconstitutional, illegal and in violation of principles of natural justice with consequential direction directing the third respondent to initiate steps to fix a fair rent afresh by the second respondent committee by providing opportunity to the petitioner, pertaining to the land leased to the petitioner, situate in West Street, Thiruthuraipoondi Town and Taluk, Tiruvarur District, comprised in survey No.184/5, measuring an extent of 1728 sq.ft. by considering the petitioner's representation dated 21.03.2024 within the time as may be fixed by this court.

For Petitioner : Mr. S.Senthil

For Respondents : Mr.S.Ravichandran, Addl.Govt.Pleader
for respondents 1 to 3.

ORDER



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The writ petition is filed challenging the order passed by the second respondent, fixing the fair rent for the property of the third respondent temple in occupation of the petitioner in survey No.184/5, West Street, Thiruthuraipoondi.

2. The impugned order passed by the second respondent was mainly challenged by the petitioner on the ground that no opportunity was given to the petitioner before fixing fair rent and hence, the same is violative of principles of natural justice.

3. In support of the above said contentions, the learned counsel for the petitioner relied on a judgment of the Division Bench of this Court in W.A. (MD) No.503 and 509 of 2022, dated 08.08.2022.

4. Mr.S.Ravichandran, learned Additional Government Pleader, takes notice for the respondents 1 to 3 and by consent of both the counsel, this writ petition is taken up for hearing.

5. The main point raised by the writ petitioner is with regard to



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the absence of show cause notice to the petitioner, before fixing fair rent by the Committee. The said question is no longer res integra, in view of the law laid down by a Division Bench of this Court in W.A.(MD) No.503 & 509 of 2022 dated 08.08.2022. The relevant observation reads as follows.

9. Even though Section 34(A) of the Act does not contemplate the issuance of notice before arriving at a fair rent, the observance of principles of natural justice is mandatory as the outcome of the proceedings affects the civil rights of parties. Therefore, the impugned demand notice fixing fair by the Committee cannot be sustained.

The first respondent has also given a circular in Na.Ka.No.4551/2022/M2, dated 10.03.2022, instructing the Executive Officers and Joint Commissioners to issue show cause notice to the affected parties, before fixing the fair rent.

6. A perusal of the impugned order passed by the second respondent does not indicate the issuance of notice to the petitioner. The impugned order has been passed, based on the proposal submitted by the Executive Officer, without issuance of notice to the petitioner. Therefore, the impugned order shall be treated as show cause notice



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and the petitioner is directed to submit his objection to the proposed fair rent fixed by the second respondent in the impugned notice, within two weeks from the date of receipt of copy of the order. The objection of the petitioner shall be submitted before the third respondent, who shall forward the same to the second respondent and after consideration of the objection, final order shall be passed by the second respondent, fixing fair rent, in accordance with law.

7. With the above direction, this writ petition stands disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

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Index: Yes/No
Internet: Yes/No
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S.SOUNTHAR, J.

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