



W.P.Nos.12149, 12151, 12153, 12155, 12156,
12157, 12159 & 12161 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 04.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.12149, 12151, 12153, 12155, 12156,
12157, 12159 & 12161 of 2025

and

WMP.Nos.13713, 13714, 13715, 13716,
13717, 13718, 13719 & 13722 of 2025

W.P.No.12149 of 2025

K.Jagadeesan

... Petitioner

Vs.

1.The Commissioner
Hindu Religious and Charitable Endowments Department
Nungambakkam
Chennai.

2.The Joint Commissioner
Hindu Religious and
Charitable Endowments Department
Salem -1.

3.The Executive Officer
Arulmigu Kumaraguru Subramaniya
Swamy Thirukoil
Ammapettai
Salem 636 003.

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice dated 11.12.2024 issued by the third respondent and to quash the same and consequently direct the third respondent to receive the fair rent of Rs.2900/- from 01.07.2024 onwards and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioners in
all W.P.Nos. : Mr.K.Senthil Kumar

For Respondents
in all W.P.Nos. : Mr.N.R.R.Arun Natarajan
Special Government Pleader (HR & CE)

COMMON ORDER

All these Writ Petitions are connected to each other and as such taken up together. These petitioners are tenants in respect of various shops under the third respondent temple namely Arulmigu Kumaraguru Subramaniya Swamy Thirukoil Ammapettai Salem.

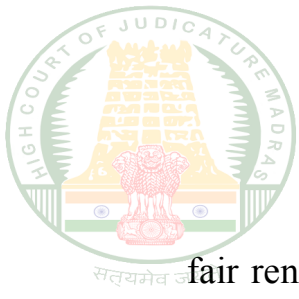


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2. Upon hearing the learned counsel for the petitioners and the learned Special Government Pleader on behalf of the respondents and perusing the affidavit in support of the Writ Petitions and the documents that are produced on behalf of the respondents, it can be seen that the petitioners were all paying the rents in respect of their respective shops. They were paying the rents that were already fixed by the authorities. However, admittedly the rent was a very low amount and it was not periodically revised. Only in the year May-2024 the fair rent committee sought to revise the rent. But however while so, revising they have revised the rent periodically from the year 2016 and arrears amount are now sought to be recovered from the petitioners. Aggrieved by the same, the petitioners are before this Court.

3. As a matter of fact some of the petitioners have also filed earlier Writ Petitions in respect of the earlier notice which were disposed of. The contention of the learned Special Government Pleader is that once the



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fair rent committee fixes the rent, the petitioners cannot approach this Court and they have to file the appeal under Section 34 (a) (3) of the Tamil Nadu Hindu Religious & Charitable Endowments Act, 1959, before the Commissioner by depositing the entire arrears.

4. But however the learned counsel for the petitioner submits that though they are entitled to file an appeal as against the fixation, the petitioners are not aggrieved by the very fixation and from the month of fixation they are willing to pay the rent and they are only aggrieved by the retrospective claim that is made.

5. In view of the law that is settled by this Court that there cannot be any retrospective revision, this Court further passed over the matter whether it will be agreeable for the parties to agree upon the rent without filing any appeal and to pay the amount from the date of fixation of the Committee that is from the month of 2024 onwards. The petitioner agreeable for the same, eventhough the learned Special Government Pleader cannot place on record such a consent, at the same time they learned counsel is not in



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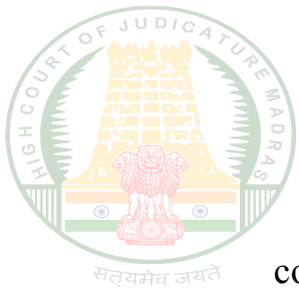
a position to place on record any decision which would support that the committee can fix the rent retrospectively also. The legal position with reference to retrospectivity is now settled.

6. In view thereof, these Writ Petitions are disposed of on the following terms;

(i) The petitioners have agreed before this Court that they will agitate in respect of the quantum of rent that is fixed by the committee and the same shall be the rent that is fixed for the month of May- 2024 onwards;

(ii) The rent that is paid on the existing rates until the month of April 2024 shall be accepted as full quit and the rent shall be calculated on the new rates from the month of May 2024;

(iii) Accordingly the amounts paid by the petitioner shall be reconciled and if any amount further to be paid by the petitioner the same shall be intimated in writing to the petitioners within one week from the date of receipt of the



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copy of the web copy of the order, without waiting for the certified copy of the order and the petitioners shall clear the arrears within a period of 8 weeks therefrom;

(iv) The petitioners shall also continue to pay the revised rent without any default as per the due dates and then the authority shall also take care to periodically revise the rent without waste of time. (v) In the event of default of payment it is always open to the authorities to take further action in the manner known to law.

(vi) No costs. Consequently, connected Miscellaneous Petitions are closed.

04.04.2025

Neutral Citation : No
dna



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