



W.P.(MD)No.7525 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.7525 of 2025

and WMP (MD) Nos.5680 & 5682 of 2025

Muhammed Ismail

: Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam,
Chennai.

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Trichy District.

3. The Executive Officer,
Arulmigu Pattabiramasamy Bajanaimadam,
Sirugamani,
Trichy District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned fixation of fair rent dated 24.09.2021 and the consequential demand notice 24.05.2024 issued by



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the 3rd respondent in respect of the land of an extent of 3290 (47'x70') sq.ft., housing site in Survey No. 165 in Bajanaimadam Street, Pettavaithalai Village, Trichy District and quash the same and direct the respondents to conduct fresh consideration to fix the fair rent by give adequate opportunity of hearing to the petitioner.

For Petitioner : Mr.M.Karthikeya Venkitachalapathy

For Respondents : Mr.K.S.Selvaganesan

Addl.Government Pleader for R1 & R2

ORDER

Challenging the impugned proceedings of fixation of fair rent dated 24.09.2021 and the consequential demand notice dated 24.05.2024 issued by the third respondent, the present writ petition has been filed.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the third respondent is dispensed with.

3.The petitioner claims to be a tenant of the temple property mentioned in the petition, situated in Survey No. 165, measuring an



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extent of 3290 sq. ft. of land. The grievance of the petitioner is that the third respondent has fixed the rent at Rs.12,000/- per month from the year 2016, with a rider clause to increase the fair rent once in every three years, without providing any notice to the petitioner, which violates the principle of natural justice. The petitioner further contends that the third respondent has not considered the fact that the petitioner and other occupants of the land were not permitted to develop basic amenities in the building constructed by them for effective usage. Aggrieved by this, the petitioner has filed the present writ petition.

4. The learned Additional Government Pleader, appearing on behalf of the respondents 1 and 2, submitted that the petitioner has an adequate and effective alternate remedy under Section 21 of the TN HR & CE Act. According to the said provision, any person aggrieved by the proceedings has the right to file an appeal before the appellate authority.

5. Heard the learned counsel for the parties and perused the materials available on record.



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6. After considering the submissions made by both parties, it

is observed that the petitioner has an effective alternative remedy available under Section 21 of the HR & CE Act, which provides for an appeal against the impugned proceedings dated 24.05.2024 before the appellate authority. It is a settled principle of law that when an alternate remedy is provided by statute, a party must exhaust such remedy before seeking judicial intervention through a writ petition.

7. Accordingly, the Writ Petition stands disposed of, granting liberty to the petitioner to approach the appellate authority within a period of two weeks from the date of receipt of a copy of this order. In case, any such appeal is filed by the petitioner within a period of two weeks from today, the appellate authority shall entertain the appeal and pass appropriate orders on its own merits and in accordance with law within two months thereafter, without reference to the period of limitation. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

19.03.2025

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Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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