



W.P.(MD).No.8640 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.03.2025

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.8640 of 2025

and

W.M.P.(MD)Nos.6453 and 6454 of 2025

S.Saravanan

... Petitioner

-vs-

**1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungampakkam High Road, Chennai.**

**2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Trivandrum Road, Palayamkottai,
Tirunelveli – 2.**

**3.The Atheenakarthar,
Thondai Mandala Atheenam,
represented by Atheenakarthar,
No.57, Neemethakarai Street,
Periyakanjipuram.**

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the impugned proceeding in Na.Ka.No.415/2025-2/E5, dated 14.03.2025 of the second respondent and to quash the same.



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For Petitioner : Mr.V.R.Shanmuganathan
For R1 and R2 : Mr.K.S.Selva Ganesan
Additional Government Pleader

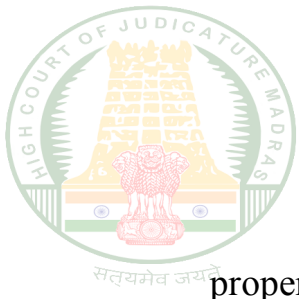
ORDER

Mr.K.S.Selva Ganesan, learned Additional Government Pleader takes notice for the first and second respondents. In view of the order proposed to be passed, notice to the third respondent is dispensed with. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2.The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Certiorari to call for the records relating to the impugned proceeding in Na.Ka.No.415/2025-2/E5, dated 14.03.2025 of the second respondent and to quash the same.”

3.The case of the petitioner is that he is a lessee of the property situated in Door No.12, 12(1) to 12(6) (Old Door No.17B to 17L), East Car Street, Tirunelveli, which belongs to the respondent Mutt. The petitioner deposited a sum of Rs.36,00,000/- to the respondents/authorities. Thereafter, the petitioner constructed a building measuring 23,790 sq.ft in the subject



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property after obtaining necessary building plan approval and he is in occupation of the said building since 2004. At present, the petitioner is paying a rent of Rs.2,60,000/- per month without any default. It is further submitted that due to the disputes in the respondent Mutt with regard to the administration, the Administrators of the respondent Mutt have demanded huge amount as rent. Hence, the petitioner has submitted a representation, dated 27.02.2021, to the second respondent for fixing fair rent for the subject property. Thereafter, the second respondent, vide communication, dated 28.03.2022 stated that steps have been taken for fixing the fair rent. The respondent Mutt issued proceedings dated 19.10.2023, calling for objections regarding fixation of rent at the rate of Rs.10,05,200/- per month. Subsequently, the petitioner submitted his explanations on 02.11.2023, 06.11.2023 and 27.11.2023 respectively and the respondent Mutt vide reply, dated 14.11.2023, stated that the Fair Rent Fixation Committee will pass final orders after considering the objections of the petitioner.

4.Pursuant thereto, the second respondent, i.e., vide proceedings, dated 28.12.2023, rejected the petitioner's objections. Challenging the same, the petitioner has approached this Court in W.P.(MD)No.3355 of 2024 and this Court, vide order, dated 23.09.2024, has passed the following order:



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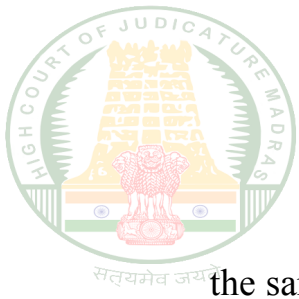
“5. Admittedly in the present case, the Fair Rent Fixation Committee after issuing a notice, has not considered and dealt with the objections filed by the petitioner. The impugned order is a non-speaking order.

6. At this juncture, the learned Additional Government Pleader appearing for the first and second respondents would submit that the Fair Rent Fixation Committee would consider the petitioner's objections and orders would be passed thereon in accordance with law. The same is acceded to by the learned Counsel for the petitioner.

7. In view thereof, this Writ Petition stands disposed of with a direction to the respondent authorities to consider the petitioner's objection and pass orders in accordance with law, within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

5. Pursuant to the order of this Court, it is the case of the petitioner that without considering the objections or conducting any enquiry, as directed by this Court, the second respondent has passed the impugned order, dated 14.03.2025, which is, as per the petitioner, in utter violation of the order of this Court and without following the principles of natural justice. Hence, the petitioner has approached this Court.

6. Mr. K. S. Selvaganesan, learned Additional Government Pleader for the first and second respondents, on instructions, submitted that the impugned order passed by the second respondent is only a calculation sheet for the purpose of fixing the fair rent and if any objection is filed by the petitioner,



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the same would be considered at the time of passing final order with regard to fixation of fair rent.

7.In view of the submission made by the learned Special Government Pleader, the Writ Petition is disposed of with a direction to the petitioner to file an objection forthwith, if any, to the impugned calculation sheet and the respondent authorities shall consider the same while passing final orders with regard to the fixation of fair rent to the subject property. The respondents authorities shall pass final orders with regard to the fixation of fair rent to the subject property after affording sufficient opportunity of hearing to the petitioner as well as to any other interested parties and after following due procedure, on merits and in accordance with law within a period of two months from the date receipt of a copy of this order. Till such order is passed, the parties are directed to maintain status-quo. No costs. Consequently, connected miscellaneous petitions are closed.

27.03.2025

NCC : Yes/No
Index : Yes / No

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To:-

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VIVEK KUMAR SINGH, J.

cmr

Order made in
W.P.(MD)No.8640 of 2025

25.03.2025