

W.A(MD)No.1072 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.1072 of 2025
and
C.M.P(MD)Nos.6782 & 6783 of 2025**

S.Saravanan

**... Appellant /
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 Atheena Karthar,
Thondai Mandala Atheenam,
Represented by AtheenaKarthar,
No.57, Neemethakarai Street,
Periyakanjipuram.**

**... Respondents /
Respondents**



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Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the judgment dated 27.03.2025 in W.P(MD)No.8640 of 2025 on the file of this Court.

For Appellant : Mr.VR.Shanmuganathan

For Respondents : Mr.P.Subbaraj
Special Government Pleader
for R.1 & R.2

No Appearance for R.3

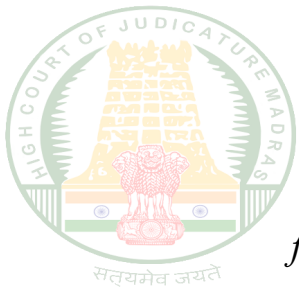
JUDGMENT

(Judgment of the Court was made by **G.R.Swaminathan J.**)

Heard both sides.

2.The appellant is a tenant under the third respondent. The appellant earlier came to this Court by filing W.P(MD)No.3355 of 2024 questioning the fixation of fair rent. The Writ Petition was disposed of vide order dated 23.09.2024 in the following terms:

“4. Pursuant thereto, the second respondent, i.e., vide proceedings, dated 28.12.2023, rejected the petitioner's objections. The above proceedings of the second respondent dated 28.12.2023 is the subject matter of challenge on the premise that the Fair Rent Fixation Committee, while fixing the



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fair rent, has not considered the objections filed by the petitioner. Instead, the second respondent herein, proceeded to fix the fair rent on its own terms and the same is in violation of the procedure laid down by the Division Bench of this Court in the case of Arulmigu Angala Parameshwari Vs. the State of Tamil Nadu and others reported in 2009-3-L.W.728, in terms of Section 34-A of the HR &CE Act, wherein, it has been held that Fair Rent Fixation Committee shall hear the parties before determining the fair rent.

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."

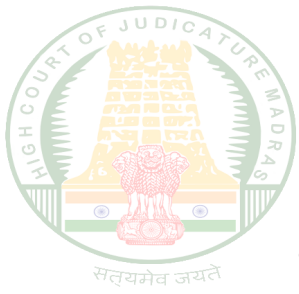


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WEB COPY Following the said order of remand, the Joint Commissioner, HR&CE Department, Tirunelveli issued notice dated 14.03.2025 calling upon the appellant to offer his objection to the rent fixation shown in the enclosed calculation sheet. Challenging the same, the appellant filed W.P(MD)No.8640 of 2025. The said Writ Petition was disposed of by the learned single Judge on 27.03.2025 in the following terms:

“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 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



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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."

Challenging the same, this Writ Appeal has been filed.

3.The only contention urged by the learned counsel for the appellant is that the Fair Rent Committee has not been constituted in terms of Section 34-A of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. He also add that the procedure delineated in ***Arulmigu Angala Parameshwari Vs. the State of Tamil Nadu and others (2009-3-L.W.728)*** has not been adhered to.

4.We find force in both the objections raised by the learned counsel for the appellant. Section 34-A of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 envisages that the fair rent must be fixed by a committee consisting of the Joint Commissioner, the Executive Officer or the Trustee or the Chairman of the Board of Trustees, as the case may be, of the religious institution and the District Registrar of the Registration Department in the district concerned taking into account the prevailing market rental value and the guidelines, as may be prescribed and such lease rent shall be refixed in the like



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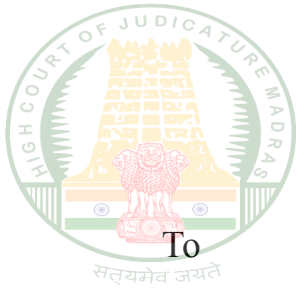
manner once in three years by the said Committee. In this case, the calculation sheet has been signed by the trustee and the Engineers of the HR&CE Department. We are clearly of the view that the composition of the Committee is not in accordance with the statutory provision.

5.In this view of the matter, the impugned notice is set aside. The matter is once again remitted to the file of the respondents. The respondents are directed to constitute a committee in terms of Section 34-A of the Act. The Committee will also bear in mind the procedure laid down by the Hon'ble Division Bench in the *Angala Parameshwari* case stated supra.

6.This Writ Appeal is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [K.R.S., J.]
06.06.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA



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To

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