



W.P.(MD) No.19929 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2025

CORAM

THE HON'BLE MR.JUSTICE C. SARAVANAN

W.P.(MD) No.19929 of 2025

and

W.M.P.(MD) No.15350 of 2025

R.Ramesh

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
No.119, Nungampakkam High Road,
Chennai - 34.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Trichirapalli.

3.Arulmigu Thayumanaswamy Temple
Rep. by its Executive Officer /
Assistant Commissioner,
Malaikottai, Trichirapalli District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the first respondent in R.C.No. 6381/2021 dated 25.11.2022 and the consequential orders passed by the



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third respondent in Na.Ka.No.918/2019/A5 dated 07.02.2024 and in Na.Ka.No.918/2019/A5 dated 27.06.2025 and all other consequential orders and quashing the same as illegal, unconstitutional and without jurisdiction and consequently remanding back to the file of the third respondent and directing the third respondent/Original Authority to re-determine the fair rent prospectively i.e., from 21.08.2020 in view of the M.Gurusamy Nadar vs. Commissioner, H.R. & C.E., reported in 2018 (3) MWN (Civil) 167, and Arulmigu Angala Parameswari & Kasivishwanathaswami Temple Admanaivel House Owners' Association vs. State of Tamil Nadu and others, reported in 2009 (6) CTC 512 and for determine the extent of occupation with the aid of qualified surveyor for re-determining the fair rent.

For Petitioner : Mr.A.K.H.M.Mohamed Abdul

For R1 & R2 : Mr.S.S.Madhavan
Additional Government Pleader

For R3 : Mr.R.Murali

ORDER

Mr.S.S.Madhavan, the learned Additional Government Pleader, takes notice for the first and second respondents. Mr.R.Murali, the learned counsel, takes notice for the third respondent.

2. With the consent of the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the first and second

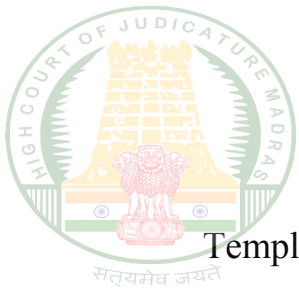


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respondents, and the learned counsel for the third respondent, this Writ Petition is being disposed of at the admission stage.

3. The petitioner has filed this Writ Petition to quash the impugned order dated 25.11.2022 passed by the first respondent in R.C.No. 6381/2021, and the consequential orders passed by the third respondent in Na.Ka.No.918/2019/A5 dated 07.02.2024 and 27.06.2025, along with all other consequential orders and to remand of the matter to the file of the third respondent/Original Authority for re-determination of the fair rent, prospectively, i.e., from 21.08.2020, after determining the extent of occupation with the aid of a qualified surveyor, in view of the decisions in ***M. Gurusamy Nadar vs. Commissioner, H.R. & C.E.***, reported in 2018 (3) MWN (Civil) 167, and ***Arulmigu Angala Parameswari & Kasivishwanathaswami Temple Admanaivel House Owners' Association vs. State of Tamil Nadu and others***, reported in 2009 (6) CTC 512.

4. The learned counsel for the petitioner submits that the issue arising out of the fixation of fair rent and its implementation in respect of the third respondent temple, namely, Arulmigu Thayumanaswamy



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Temple, was the subject matter of W.P.(MD) Nos.8465 to 8473 of 2024, which came to be disposed of by this Court *vide* order dated 03.04.2024.

The operative portion of the said order reads as under:

“10. Admittedly, the orders passed by the third respondent consequent to the orders passed by the first respondent are contrary to paragraph No. 16 of the order passed by the Division Bench of this Court in Arulmigu Angala Parameswari referred to supra which was reiterated by another Division Bench of this Court recently in the case of J.A.C.Raj Vs. The Commissioner of Hindu Religious and Charitable Endowments Department vide its order dated 08.08.2022 in W.A.(MD) Nos.503 and 509 of 2022. This order has also been followed by a coordinate Bench of this Court in the case of M.M.Vishal Vs. The Commissioner of Hindu Religious and Charitable Endowments Department vide its order dated 25.09.2023 in W.P.(MD) No.12742 of 2023.

11. Therefore, the demand that has been proposed by the third respondent from the respective petitioners pursuant to the impugned orders passed by the first respondent is unsustainable. At best, the demand has to be confirmed from the date of fixation of fair rent on 21.08.2020.

12. Therefore, the impugned orders passed by the first respondent as also the third respondent are modified by directing the third respondent to re-quantify the fair rent payable by the respective petitioners with effect from 21.08.2020 being the date of fixation of fair rent under Section 31-A of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 for the present and intimate the same to the petitioners, within a period of 30 days from the date of receipt of a copy of this order.



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13. The petitioners may file their objections, if any. However, such objections shall be entertained subject to the payment of the amount by the petitioners as may be re-quantified by the third respondent for the period with effect from 21.08.2020 being the date of fixation of fair rent under Section 31-A of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

14. Accordingly, these Writ Petitions stand disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed”

5. In the present case also, the fair rent was fixed by the Fair Rent Fixation Committee on 26.06.2020, which was sought to be implemented by the third respondent *vide* order dated 21.08.2020. By the said order, the third respondent demanded the enhanced fair rent retrospectively from 01.07.2016.

6. It is the case of the petitioner that the order passed by this Court in W.P.(MD) Nos.8465 to 8473 of 2024, dated 03.04.2024, has not been stayed by the Division Bench of this Court.

7. The learned counsel for the third respondent submits that an appeal has been filed against the aforesaid order of this Court dated



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03.04.2024, with a delay of 96 days, and in the said appeal, notice has been ordered on the respondents.

8. Whether the delay will be condoned and the aforesaid order of this Court dated 03.04.2024 in W.P.(MD) Nos.8465 to 8473 of 2024 will be set aside/modified or not cannot be determined at this stage. Considering the fact that the issue is now squarely covered in favour of the petitioner, the impugned order dated 25.11.2022 and the consequential notices dated 07.02.2024 and 27.06.2025 issued by the third respondent are set aside.

9. However, liberty is granted to the third respondent to demand the rent from 01.07.2016, in the event the aforesaid order of this Court dated 03.04.2024 in W.P.(MD) Nos.8465 to 8473 of 2024 is reversed.

10. In case the petitioner has not paid the amount retrospectively from the date of determination of fair rent, the respondents are at liberty to initiate proceedings to evict the petitioner by treating him as an encroacher.



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11. Accordingly, this Writ Petition stands disposed of. No costs.

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Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes/No

To

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C.SARAVANAN, J.

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