



WP(MD)Nos.35099 to 35104 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP(MD)Nos.35099 to 35104 of 2025

and

WMP(MD)Nos.27813, 27815, 27817, 27818, 27819, 27847 of 2025

N.Balasubramanian	...Petitioner in WP(MD)No.35099 of 2025
S.Nagoor Mydeen	...Petitioner in WP(MD)No.35100 of 2025
C.Venkatachalam	...Petitioner in WP(MD)No.35101 of 2025
M.Murugan	...Petitioner in WP(MD)No.35102 of 2025
T.Marimuthu	...Petitioner in WP(MD)No.35103 of 2025
V.Esakkimuthu	...Petitioner in WP(MD)No.35104 of 2025

Vs

1.The Joint Commissioner,
Tamil Nadu Hindu Religious &
Charitable Endowments Department,
Thoothukudi.

2.The Executive Officer,
Arulmigu Muppidathi Amman Temple,
Kadayanallur, Tenkasi District.

...Respondents



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Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India to issue a writ of Certiorari to call for the records relating to the impugned orders in Na.Ka.No.20/2025 dated 13.10.2025 and the order dated 26.11.2025 passed by the 2nd respondent pertaining to shop No.36-A belonging to Arulmigu Muppudathi Amman Temple, Kadayanallur and quash the same.

For Petitioners : Mr.B.Vijayakarhikeyan

For Respondents : Mr.K.Balasubramanian,
Special Government Pleader

in all Wps

ORDER

The petitioners are lessees of Arulmigu Muppudathi Amman Temple, Kadayanallur and they are running shops in the lands belonging to the temple. The petitioners have approached this court questioning the manner in which, the rent has been fixed for their shops vide the order impugned in these writ petitions.

2.The case of the petitioners is that they are lessees of the temple from the year 2001 and by the order impugned in these writ petitions, the respondents have fixed rent in an onerous manner by increasing



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300%, instead of 15%. However, the grievance of the petitioner is that the impugned order has been passed without even providing an opportunity to the petitioners. In this regard the learned counsel has also relied on the order of the Division Bench of this court in WA.No.786 of 2022, dated 01.08.2022.

3.Mr.Balasubramanian, learned Special Government Pleader takes notice for the respondents and submits that fair rent has been fixed by the respondents as provided under Section 34 of the Tamil Nadu Hindu Religious and Endowments Act and also by following the procedures as contemplated under Rule 17 of the Religious Institutions (Lease of Immovable Property) Rules, 1963. According to the learned Special Government Pleader, notice was issued to the petitioners and they have also submitted their objections. While so they cannot take a plea that they have not been provided opportunity and there is violation of principles of natural justice. He has also produced a copy of the notice and the explanation offered by the petitioners.



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4.The learned Special Government Pleader has produced the proceedings of the committee consisting of the Executive Officer of the temple, the Assistant Executive Engineer, Assistant Divisional Engineer and the Joint Commissioner of HR & CE Department, the District Registrar of Registration Department. He further submits that there are seven shops and fair rent has been fixed to all the seven shops. One of the lessees has accepted the fair rent and has also paid the same, however, the petitioners are objecting to it.

5.He has referred to Rule 17 of the Religious Institutions (Lease of Immovable Property) Rules, 1963 and submits that fair rent shall be revised periodically once in a three years in accordance with the market value of the land and cost of the buildings as worked out as per the code of the Public Works Department. Therefore, according to him, there is no error in the impugned order. He has also referred to Sub Sections 3 and 5 of Section 34 of the Hindu Religious and Charitable Endowments Act and submits that if the petitioners are aggrieved by the impugned order, they are having appeal remedy before the Commissioner of HR and CE Department and however, the remedy is also provided by way of revision



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before the Court. Therefore, according to him these writ petitions are not maintainable.

6.This court has considered the rival submissions made and perused the materials placed on record.

7. The petitioners are lessees of Arulmigu Muppidathi Amman temple and they claim that they are continuing as lessees from the year 2001. By the order impugned in this writ petition, fair rent has been fixed by the respondent No.2. The ground on which the petitioners have challenged the fixation of fair rent is that before fixing fair rent, they have not been provided an opportunity.

8.The lease of public properties shall be made only by way of public auction. However, in this case the respondents are prepared to enhance the rent by fixing fair rent. Fixation of fair rent is guided by the provisions under Section 34-A of the HR and CE Act as under:

“34-A. Fixation of lease rent.—The lease rent payable for the lease of immovable property belonging to, or given or endowed for the purpose of, any religious



institution, shall 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 manner once in three years by the said Committee.

Explanation.—For the purpose of this sub-section, “prevailing market rental value” means the amount of rent paid for similar types of properties situated in the locality where the immovable property of the religious institution is situated. (2) The Executive Officer or the Trustee or the Chairman of the Board of Trustees, as the case may be, of the religious institution concerned, shall pass an order fixing the lease rent and intimate the same to the lessee specifying a time within which such lease rent shall be paid. (3) Any person aggrieved by an order passed under sub-section (2), may, within a period of thirty days from the date of receipt of such order, appeal to the Commissioner, in such form and in such manner, as may be prescribed. (4) The Commissioner may after giving the person aggrieved an opportunity of being heard, pass such order as he thinks fit. (5) Any person



aggrieved by an order passed by the Commissioner under sub-section (4) may, within ninety days from the date of receipt of such order, prefer a revision petition to the High Court : Provided that no appeal or revision shall be entertained under sub-section (3) or sub-section (5), as the case may be, unless it is accompanied by satisfactory proof of deposit of the lease rent so fixed or refixed, in the account of the religious institution concerned and such amount shall be adjusted towards the lease amount payable by the lessee as per the order passed in the appeal or revision, as the case may be.”

9.Sub Section 3 of Section 34-A of the HR and CE Act provides an appeal remedy before the Commissioner of HR and CE Department. However, the appeal shall be entertained only on deposit of lease rent so fixed by the authorities. The procedure for fixation of fair rent is provided under Rule 17 as under:

“17. Fixation of fair rent to buildings belonging to the religious institutions.--

Fair rent to the site and buildings belonging to the religious institutions shall be revised periodically at least once in three years by a Committee constituted for each



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Deputy/Joint Commissioner's division by the Commissioner. If there is an Executive Officer appointed for the religious institution, he shall also be associated with the work of the Committee. If there is no Executive Officer appointed for the religious institution, the trustee or Chairman, Board of Trustees shall be associated with the work of the Committee. The fair rent shall be fixed in accordance with the market value of the land and the cost of building worked out as per the Code of Public Works Department.”

10.The respondents claim that the fair rent has been fixed only as contemplated as per the above Rule. The proceedings dated 21.08.2025 reveals that the fair rent has been fixed by taking into account the market value of the buildings in and around the shops and also the report of the Public Works Department. However notice was issued on 09.08.2025 only enclosing the calculation sheet. The calculation has been made even before the decision taken by the committee.

11.The Division Bench of this Court in WA(MD)No.786 of 2022 dated 01.08.2022 has dealt with a similar issue and passed an order as under:



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“13. It is well settled that the principles of natural justice should also require lessee to be put on notice on the facts on the basis of which the fair rent is proposed to be fixed or revised. Therefore, the particulars that were taken by the respondents in the working sheet should be furnished to the appellant / lessee before fixing the fair rent. The contentions of the respondents that the working sheet was furnished to the appellant along with the impugned order is unacceptable. Therefore, the impugned order challenged in the writ petition is in violation of principles of natural justice and the same is arbitrary and hence the same cannot be sustained.

16. As pointed out earlier, the appellant / lessee is entitled to be heard before fixing the fair rent. Unless the particulars, based on which the respondents proceeded to revise the rent are furnished to the appellant, he will not be in a position to put forth his case efficiently and the Committee cannot proceed to fix the fair rent without such notice giving opportunity as otherwise it will amount to fixing the fair rent unilaterally. Even with regard to the provisions of the Act, when the lessee is required to pay the fair rent fixed by the Committee, the order fixing the fair rent by the Committee cannot be treated as an administrative order as there is an adjudication involving



civil rights. The proviso to Section 34A gives an indication that the lessee can maintain the appeal only it is accompanied by satisfactory proof of deposit of the lease rent so fixed or refixed. Therefore, this Court is of the view that the Committee can fix fair rent only after issuing a notice informing the lessee of all the factors / details that are taken into account for revising or refixing the fair rent.

From the materials placed on record, it appears that in the earlier notice dated 09.08.2025, the Executive Officer himself has arrived at the calculation, without the details of market value and the reports of the Sub Registrar and the Engineers of PWD. Notice has been sent to the petitioner and with their objection proposal has been sent to the Commissioner.”

12.In view of the decision taken by the Division Bench cited supra, this court is of the view that the committee can fix the fair rent only after issuing notice informing the lessee of all the factors / details that are taken into account for revising or refixing the fair rent.

13.In view of the same, these writ petitions are allowed. The impugned order is set aside. The matter is remitted back to the



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respondents for fresh consideration, with the following directions:

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(i) The 2nd respondent shall issue notice afresh enclosing the report of the PWD officials, if any, market value of the land and cost of the building worked out as per the code of the public works department and the report of the District Registrar, if any, to the petitioners enabling them to offer their explanation, within a period of two weeks from the date of receipt of a copy of this order;

(ii) On receipt of such notice, the petitioners shall offer their explanation within a period of two weeks therefrom.

(iii) On receipt of the explanation, it is made clear that fair rent shall be fixed by the temple as per Section 34-A of the HR and CE Act and Rule 17 of the Religious Institutions (Lease of Immovable Property) Rules, 1963.

(iv) The applications of the petitioners, if any filed, shall be entertained by the respondents on payment of arrears of admitted rent, by the petitioners, if any as on that date.

(v) Fair rent has to be fixed every three years as provided under Section 34-A of the HR and CE Act and therefore, the fair rent for the shops occupied by the petitioners, has to be revised on completion of



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every three years. No costs. Consequently connected miscellaneous petitions are closed.

08.12.2025

DSK

To

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B.PUGALENDHI.J.,

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