

BEFORE THE COMMISSIONER, H.R.& C.E. ADMN.DEPARTMENT, CHENNAI-34.

Thursday the 28<sup>th</sup> day of February, Two Thousand and thirteen.

Present: Thiru. P. Dhanapal, M.A.,B.L.,  
Commissioner.

A.P.44/2011/ D2

Between.

1. Smt. K.P. Premakumari.
2. K.P. Anand.
3. Mrs. Sarala Devi.
4. Dr. K.P. Vinothkumar.  
(1-4 Legal heirs of the deceased K. Paramasivam  
rep.by Power Agent/ 2<sup>nd</sup> Appellant K.P. Anand. ) ... Appellants.

And

The Executive Officer, Arulmighu Karaneeswarar  
Temple, Saidapet, Chennai 600 015. ... Respondent.

In the matter of Arulmighu Karaneeswarar Temple, Saidapet,  
Chennai 600 004.

Appeal Petition filed under Section 34(A) of the Tamil Nadu HR&CE  
Act, 1959 (Tamil Nadu Act 22 of 1959) against the notice dated:  
20.1.2005 of the Executive Officer fixing fair rent.

Order in D.Dis. A.P.44/2011 (D2) dated: 28.2.2013.

The above Appeal Petition having come on for final hearing before  
me on 5.2.2013 in the presence of Thiru T. Karunakaran, Counsel for the  
Appellants and Thiru N. Sathyamoorthy, Counsel for the Respondent.  
Upon hearing their arguments and after perusing the connected records  
the following order is made:-

ORDER.

The above appeal petition filed against the notice dated  
20.1.2005 of the Executive Officer in fixing fair rent. The Executive  
Officer has sent a notice to the Appellant informing the fair rent fixed by  
the Fair Rent Committee for the building occupied by the petitioner. The  
fair rent was increased from Rs. 1500/- to Rs. 5280/- with effect from  
1.11.2011. The fair rent has been fixed as per G.O. 353 dated 4.6.1999.

2. The appellant contended that he is paying monthly rent regularly. All of a sudden it was increased to Rs. 5280/-. The appellants were tenants under the temple for more than 30 years and regularly paying the monthly rent without any default, a demand of Rs. 31,680/- as advance for making fresh agreement is unwarranted. In the order dated 30.3.2011 in W.P. 11819/2005, the Hon'ble High Court has disposed the Writ Petition with direction to the petitioner to avail appeal remedy prescribed under Section 34 (A) of the Act.

3. I heard Thiru T. Karunakaran, Counsel for the petitioner and Thiru N. Sathyamoorthy, Counsel for the respondent and perused the relevant records. During the hearing, the respondent was directed to furnish the calculation sheet to the appellant. Accordingly the respondent served the calculation sheet. As per the calculation statement, the total arrears of Rent is Rs. 4,30,240/- . Hence, the appellant was directed to deposit Rs. 4,30,240/- to the temple. The appellant has deposited the said amount to the temple and filed a memo to that effect. Since the appellant accepted the fair rent and paid the entire arrears, this appeal petition becomes infructuous. Accordingly the appeal petition is dismissed as infructuous.

/typed to dictation/

Sd. P. Dhanapal,  
Commissioner.

/ true copy/ by order/

Superintendent.

To

1. The Appellant through Thiru.T. Karunakaran, Advocate, 79/32, 4<sup>th</sup> Main Road, Ramea Flats, Flat No. 2B, 2<sup>nd</sup> Floor, Gandhi Nagar, Adyar, Chennai 600 020.
2. The Executive Officer through Thiru N. Sathyamoorthy, Advocate, No. 62, Law Chambers, High Court Buildings, Chennai.104.

Copy to:

3. The Joint Commissioner, HR & CE Admn.Dept., Chennai.
4. The Inspector, HR&CE Admn.Department, Circle VII, Chennai.
5. The Assistant Commissioner, HR&CE Admn.Department, Chennai.
- 6&7. Extras.