

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

Thursday the 28th day of February, Two Thousand and thirteen.

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

A.P. 63/2012 D2

Between.

K.A.S. Ramdoss

Appellant.

And

The Assistant Commissioner/Executive Officer,
Arulmighu Thayumanaswamy Temple, Rockport,
Trichirapalli.

Respondent

In the matter of Arulmighu Thayumanaswamy Temple, Rockport,
Trichy.

The Appeal petition filed under Section 34(A) of the Tamil Nadu
H.R.& C.E. Act, 1959 (Tamil Nadu Act 22 of 1959) against the Order
dated 27.6.2012 of the Assistant Commissioner/Executive Officer of the
above Temple informing the fair rent and requesting to pay the arrears.

Order in D.Dis. A.P. 63/2012 D2 dated : 28.2.2013.

The above appeal petition having come on for final hearing before me
on 1.2.2013 in the presence of Thiru R. Baskaran, Counsel for the
Appellant, upon hearing the arguments and after perusing the records,
the following order is made.

ORDER

The above appeal petition filed under Section 34(A)(3) of the Act
against the notice dated 27.6.2012 of the Assistant Commissioner/

Executive Officer of the above temple informing the fair rent and requesting to pay the arrears.

2. The case of the appellant is he is a tenant in Shop.No. 1, "Thayumanava Vaniga Valagam" belongs to Arulmighu Thayumanaswamy Temple, Rockfort, Trichy. He got tenancy right through public auction. As per the auction condition, monthly rent should be enhanced by 10% every year. But as per G.O.Ms.No. 456, Tamil Development, Religious Endowments and Information Department dated 9.11.2007, the rent has to be enhanced by 15% every three years. For all other shops in the above premises, the rent has been fixed and revised as per above Government Order. The appellant prayed to fix the fair rent as per G.O. 456 dated 19.11.2007.

3. I have heard Thiru R. Baskaran, Counsel for the appellant and Assistant Commissioner/Executive Officer of the temple and perused the records. The shop No 1, Thayumanava Vaniga Valagam, has been leased out to the appellant in Public auction. As per lease condition, the rent should be enhanced by 10% every year. As per lease condition, rent has been periodically enhanced and appellant has been informed to pay the arrears. But the appellant requested the temple authority to refix rent in accordance with G.O.Ms.No. 456 dated 9.11.2007. Pending enquiry in the appeal petition, the appellant paid the entire arrears and produced the rental receipt. It is admitted by the Assistant Commissioner/ Executive Officer that for all other shops in the above premises fair rent has been fixed as per Government Orders. During the hearing, both the appellant and the Assistant Commissioner/Executive Officer agreed that rent fixed as fair rent. The only dispute is with regard to 33% increase in every three years. The Assistant Commissioner/ Executive Officer has agreed to enhance the fair rent as per G.O.Ms.No. 456 dated 9.11.2007 in accordance with Act and Rules with effect from 1.3.2013. The lease should be renewed in accordance with the

provisions of the Act. With the above direction the appeal petition is disposed of.

/typed to dictation/

Sd. P. Dhanapal,
Commissioner.

/ true copy/ by order/

Superintendent.

To

1. The Appellant through through Thiru R. Baskaran, , Advocate, No. 19, 2nd Cross Street, Anna Nagar, Thennoor, Trichirapalli-17.
2. The Executive Officer, Arulmighu Thayumanasamy Temple, Rockport, Trichirapalli.2.

Copy to:

3. The Joint Commissioner, HR&CE Admn.Dept., Trichirapalli.
4. The Inspector, HR&CE Admn.Department, Trichy..
5. The Assistant Commissioner, HR&CE Admn.Department, Trichy.
6. R3 – Section at Head Office (through numbering)
- 7&8. Extras.