

BEFORE THE COMMISSIONER, HR&CE ADMN DEPARTMENT, CHENNAI-34

Thursday the sixth day of March, Two thousand and Fourteen.

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

A.P. 52/2013 D2

Between.

Onkarnath Jaiswal.

.. Appellant

And.

The Executive Officer,
Arulmighu Katchaleeswarar Temple,
No. 77, Armenian Street,
Chennai- 600 001.

.. Respondent

In the matter of Arulmighu Katchaleeswarar Temple, Armenian Street, Chennai.1

Appeal petition under Section 34(A)(3) of the Tamil Nadu HR&CE Act, 1959 (Tamil Nadu Act 22 of 1959) against the notice dated 23.8.2013 of the Executive Officer of the temple in informing the fair rent.

Order in D.Dis. A.P. 52/2013 D2 dated :6.3.2014.

The above Appeal petition having come on for final hearing before me on 24.1.2014 in the presence of M/s Sundara Kamesh Marthandan, Counsel for the Appellant and Thiru S.D. Ramalingam, Counsel for the respondent. Upon hearing their arguments and having perused the connected records and the matter having stood over for consideration till this day, the following order is passed.

ORDER

The above appeal petition filed under Section 34 (A)(3) of the Act against the notice dated 23.8.2013 of the Executive Officer of the temple in informing the fair rent.

2. The Appellant contended that he is the tenant under the respondent in respect of the ground floor of the premises bearing Door No. 75, Armenian Street, Chennai-1, measuring an extent of 474 sq.ft. Originally he was granted with lease under lease deed dated 9.3.1990 by the respondent and from the date of grant of lease, the appellant has been paying the rent payable to the respondent regularly. Originally a rent of Rs. 950/- per month has been fixed and subsequently, the same was revised to Rs. 2065/- and the petitioner was paying the same regularly. During the year 2008, the respondent authority demanded a sum of Rs. 14,280/- towards rent. Thereafter we made representations to the respondent authority to reduce the rent considering the space occupied by us. Thereafter the respondent authority has fixed the fair rent as Rs. 7000/- to us and the appellant has been paying the said rent from September, 2008 onwards. The respondent authority has passed the order dated 23.8.2013 and fixed the fair rent as Rs.24976/- per month from 20.7.2010. The demand made by the respondent authority is totally unjust and illegal. Further the area viz. 610 sq.ft. when the premises occupied by the appellant is only 474 sq.ft. as confirmed by the correspondences issued by the respondent authority. This can be verified by way of physical measurement also. Therefore, the appellant is filing the present appeal seeking to set aside the order dated 23.8.2013.

3. I heard Thiru R. Sundara Kamesh Marthandan, Counsel for the appellant and Thiru S.D. Ramalingam, Counsel for the Respondent. In the impugned notice, the respondent has informed the fair rent and requested the appellant to pay the arrears within 7 days from the date of receipt of the notice. It is only a notice. If the appellant has any objection, he ought to file his objection before the respondent. But without doing so, he filed this Appeal Petition. Hence, this appeal petition is premature one and not maintainable.

4. Therefore, the appellant is directed to file his objection to the respondent within 7 days from the receipt of this order. The

respondent should consider the objection if any filed by the appellant and pass orders in accordance with law. 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 M/s R. Sundara Kamesh Marthandan, Advocate, No. 4, Kondichetty Street, First Floor, Chennai 600 001.
 2. The Executive Officer through Thiru S.D. Ramalingam, Advocate, New No. 321, Old No.156, Linghi Chetty Street, Chennai.1.
- Copy to:
3. The Joint Commissioner, HR&CE Admn.Dept., Chennai.34.
 4. Extra.