

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

Thursday the 18th day of December, Two thousand and Fourteen.

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

A.P.41/2014

Between

A. Hajara Begam

.. Petitioner.

And

1. The Joint Commissioner,
HR & CE Admn.Dept., Sivagangai.
2. The Assistant Commissioner,
HR & CE Admn.Dept., Paramakudi.
3. The Executive Officer,
Arulmighu Koppudaiya Nayagamman Temple,
Karaikudi Town and Taluk. Pin. 630 001.

.. Respondents.

In the matter of Arulmighu Koppudaiya Nayagamman Temple,
Karaikkudi, Sivagangai District.

Appeal Petition under Section 34 (A) (3) of the Tamil Nadu H.R. &
C.E. Act, 1959 (Tamil Nadu Act 22 of 1959) against the notice dated
29.6.2013 of the Executive Officer in fixing fair rent.

Order in D.Dis. A.P. 41/2014 (D2) dated : 18.12.2014.

The above Appeal Petition having come on for final hearing
before me on 18.11.2014 in the presence of Thiru N. Kanakavelu,
Counsel for the Petitioner and Thiru B. Sivakumar, Counsel for the 3rd
Respondent/Executive Officer. Upon hearing their arguments and upon
perusing the connected records the following order is made:-

ORDER

The above appeal petition filed under Section 34 (A)(3) of the Act
against the notice dated 29.6.2013 of the Executive Officer in informing
the revision of fair rent.

2. The appellant contended that the appellant and before her, her
mother-in-law were in possession in respect of the property measuring
465 sq.ft. in S.No. 199 bearing Door No. 29/13, Kallukatti South

(Amman Sannathi Street), Kariaikudi, for more than 60 years which belongs to Arulmighu Koppudaiya Nayagiamman Temple, Karaikudi Town and Taluk. The appellant is in actual possession and doing commercial activities in the name "Kasim Stores" paying rent for the temple property which stands in the name of the appellant's mother-in-law namely M.K.A. Sulaikal Beevi, who relinquished the tenancy of the suit property in favour of the appellant's husband (eldest son of M.K.A. Sulaikal Beevi) in the year 2011 by means of a deed. The appellant along with her husband is running small business of electrical goods catering the needs of the public living around the temple. The respondents failed to legally constitute a Committee for fixation of fair rent to the Committee had misleadingly included and added the Municipal Taxes into the proposed rent and inflated the rental amount. These facts go to show that the 3rd respondent had arbitrarily proposed the fair rent without clear determination and acted mechanically while details to the fair rent committee which resulted in issuing the impugned notification.

3. In the counter affidavit, the 3rd respondent/Executive Officer has stated that the petition being filed by a stranger to the tenanted property and the proceeding in the lower forum. As per the temple records the temple property in Door No. 13, Kalukatti South Street, Karaikudi was let out to one M.K.A. Sulaikal Beevi. Further the order in challenge was passed against Sulaikal Beevi and she alone is the affected party under the impugned order. She alone can contest the impugned order and no other. The appellant has not shown how she is affected by the said order or how she stepped into the shoes of the actual tenant. The impugned notification of fair rent and adequate opportunity has been given to the affected person to pursue the remedy under Section 434 of the Act. Now the proceedings under Section 78 and 79 of the Act have been initiated and therefore these proceedings are infructuous and not maintainable.

4. I heard Thiru N. Kanakavelu, Counsel for the appellant and Thiru B. Sivakumar, Counsel for the 3rd respondent/Executive Officer and perused the relevant records. The above appeal petition filed

challenging the fixation of fair rent. But during the pendency of this appeal petition, the appellant has accepted the fair rent and paid the entire arrears along with suit costs. The Executive Officer of the temple also made endorsement to that effect.

Therefore, the prayer in the 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 Petitioners through Thiru N. Kanakavelu, Advocate, No.35, Law Chambers, High Court Buildings, Chennai.104.
2. The Executive Officer through Thiru B. Sivakumar, Advocate, No. 478, Law Chambers, High Court Buildings, Chennai.104.

Copy to

3. The Joint Commissioner, H.R. & C.E. Admn.Dept., Sivagangai.
4. The Assistant Commissioner, HR & CE Admn.Dept., Paramakudi.
5. Extra.