

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2015

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.4046 of 2015

and

M.P.No.1 of 2015

K.K.C.Balasubramaniam

...Petitioner

v.

1.The Joint Commissioner
Office of the Joint Commissioner
The Hindu Religious and Charitable
Endowment Department
Coimbatore.

2.The Assistant Commissioner
Office of the Assistant Commissioner
The Hindu Religious and Charitable
Endowment Department
Erode.

3.The Executive Officer
Arulmigu Sozheeswarar Thirukovil
Perundurai
Erode District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus forbearing the respondents and their subordinates from interfering with the petitioner's peaceful possession and enjoyment or evicting the petitioner from his office situated at No.175/296, K.K.C. Transports, Kovai Road, Perundurai, Erode District.

For Petitioner : Mr.A.Gokulakrishnan

For Respondents : Mr.S.Kandasamy, Spl.G.P., HR & CE

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

2. The petitioner's father was a tenant under the third respondent-Temple in respect of the premises in question. According to the respondent-Temple, the petitioner's father was granted permission to run transport business. After the father's life time, the petitioner is said to have been carrying on business in the same address. The petitioner is aggrieved by the forceful eviction done by the third respondent and it is contended that without issuing any notice, the premises has been sealed.

3. The learned Special Government Pleader, on instructions, submitted that the lease in favour of the petitioner was not renewed, though initially the petitioner's father was a lessee under the Temple. However, the petitioner is said to have been using the premises for running a political party and therefore, notice was issued directing him to vacate the premises. Since he did not respond to the notice, action has been taken and possession of the premises has been taken over by the respondent-Temple and the premises has been locked and sealed. If according to the respondent-Temple, the property has been put to a different user than what was permitted, then the respondent - Temple was entitled to take action. Further, if the tenancy has not been either renewed or adorned in favour of the petitioner, then also the respondent - Temple would be entitled to take action. However, in the instant case it appears, that notice has been issued and eviction proceedings have been done.

4. Since the premises has already been taken over, there will be a direction to the third respondent to issue a show cause notice to the petitioner clearly setting out the reason as to why the petitioner's possession is said to have been illegal. Thereafter, the petitioner shall submit his explanation to the said show cause notice and after conducting enquiry, the third respondent shall pass a reasoned order on merits and in accordance with law. The above direction shall be complied with within a period of three weeks from the date of receipt of a copy of this order. Since the possession of the premises has already been taken over, the status quo prevailing as on date shall be maintained till the proceedings are concluded as per the above direction.

Accordingly, this writ petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Deputy Registrar (J)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Joint Commissioner
Office of the Joint Commissioner
The Hindu Religious and Charitable
Endowment Department
Coimbatore.

2.The Assistant Commissioner
Office of the Assistant Commissioner
The Hindu Religious and Charitable
Endowment Department
Erode.

3.The Executive Officer
Arulmigu Sozheeswarar Thirukovil
Perundurai
Erode District.

2 CCs to Mr.A.Gokulakrishnan, Advocate SR.No. 8336

1 CC to the Government Pleader, SR.No. 8408

W.P.No.4046 of 2015

SAI (CO)
PSI (23.02.2015)

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