



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2015

C O R A M

WEB COPY

THE HONOURABLE Mr.JUSTICE B.RAJENDRAN

Writ Petition (MD)No.20356 of 2014

and

M.P.(MD)No.2 of 2014

R.HIGH COURT DURAI

.. Petitioner

Vs.

1. THE COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS
BOARD, CHENNAI - 34.

2. THE JOINT COMMISSIONER,
CUM EXECUTIVE OFFICER HR & CE BOARD,
ARULMIGU SUBRAMANIASWAMY THIRUKKOVIL,
TIRUCHENDUR, TUTICORIN DISTRICT.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in Na.Ka.No.11178/2002/Aa2 dated 06.08.2014 on the file of the Respondent No.2 and quash the same as illegal and consequently forbearing the respondents from evicting the Petitioner in Shop No.9 9A until the disposal of the appeal filed by the petitioner dated 04.09.2008 which is pending before the Respondents within a stipulated time.

For petitioner ... Mr.T.Lajapathi Roy
For R1 ... Mr.V.R.Shanmughanathan
Special Government Pleader
For R2 ... Mr.G.Muthugeethaiyan

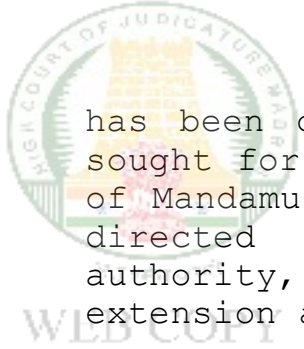
O R D E R

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

2. The writ petition has been filed challenging the impugned order dated 06.08.2014 of the second respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

3. As rightly pointed out by the learned Special Government Pleader the license of the petitioner to put up a temporary shop



has been cancelled as early as on 08.02.2007 and thereafter he sought for an extension. When that was not given, he filed a writ of Mandamus to consider his representation. This Hon'ble Court is directed the authority to consider the representation. The authority, after considering the representation, has rejected that extension application/representation.

4. It is also brought to the notice of this Court that original order of rejection was challenged in W.P.(MD)No.4751 of 2007 and on 08.08.2008, it was disposed of to file an appeal complying Section 37(a)(v) of the HR&CE Act viz., to pay the entire arrears. But no appeal was filed complying with the pre-condition of deposit of the account. In those circumstances, the present writ petition challenging the denial order for extension, cannot be entertained.

5. It is now brought to the notice of this Court that the petitioner under the guise of these orders is unlawfully continuing in occupation and not even paying the rent even the meagre amount of Rs.60/- p.m. has not been paid by him and there is arrears of Rs.1,70,940/- as on 30.11.2014.

6. In view of the above, the authority is directed to immediately take possession of the property and the petitioner will pay the entire arrears within one month, failing which, the authority will take immediate action for eviction as per law.

7. In the result, the writ petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(Writs)

/True Copy/

Sub-Assistant Registrar

To

1. THE COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS BOARD, CHENNAI - 34.
2. THE JOINT COMMISSIONER,
CUM EXECUTIVE OFFICER HR & CE BOARD,
ARULMIGU SUBRAMANIASWAMY THIRUKKOVIL,
TIRUCHENDUR, TUTICORIN DISTRICT.

+One cc to Mr.T.Lajapathi Roy, Advocate, SR.No.7725

+One cc to Mr.M.Muthu Geethaiyan, Advocate, SR.No.7439

+One cc to The Special Government Pleader, SR.No.7809

rj2

RL/6c - 25/2/2015

W.P.(MD)No.20356 of 2014