

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.44153 of 2016  
and  
W.M.P No.37988 of 2016

S.G. Sekar

.. Petitioner

vs.

The Executive Officer  
Arulmigu Egam Bareshwarer Koil  
Perumal Koil Street  
Aminjikaiarai  
Chennai - 600 029.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, forbearing the respondent from evicting the petitioner from petitioner premises bearing Old No.13, New No.11, Perumal Koil Street, Aminjikaiarai, Chennai -600 029, in violation of the relevant act or rules and pass further orders.

For Petitioner : Mr. B. Nedunchezhiyan

For Respondent : Mr. M. Maharajan  
Spl. Govt. Pleader (HR & CE)

ORDER

Mr. M. Maharaja, learned Special Government Pleader takes notice for the respondent. With the consent of both the parties, the writ petition is disposed of, at the stage of admission itself.

2. The petitioner has sought for a direction forbearing the respondent from evicting the petitioner from his premises at Old No.13, New No.11, Perumal Koil Street, Aminjikaiarai, Chennai -600 029.

3. As stated in the affidavit, a suit in O.S. No. 6838 of 1968 was filed and got declaration decree by one Venugopal.

Subsequently, the same has been sold to the petitioner vide registered sale deed dated 06.05.1996 in Document No.1541 of 1996. The petitioner is in possession of the subject land and is paying the property tax for the past twenty years. Further, the Electricity card also stands in his name. Whiles, the respondent had pasted a notice on the wall on 01.12.2016 stating that a rent of Rs.2,38,010/- is due by Mr. Venugopal and Arumugam, who were their previous tenants and if the same is not paid, they will be evicted from the premises.

4. Learned counsel for the petitioner submitted that the petitioner was not issued with any notice, though he is in possession of the subject property for the past 20 years. It was further stated that the petitioner is unaware of the fact that such a huge amount is due to be paid by the previous vendors. Even as per revenue records, the respondent is not the owner of the property and so it is not just and fair to evict the petitioner from the premises after a long lapse of time, claiming arrears of rent. Aggrieved by the action of the respondent, the petitioner has filed this writ petition.

5. Learned Special Government Pleader submitted that the petitioner has not paid the arrears of rent to the respondents. Further, the petitioner will not be evicted from the premises, without following due process of law.

6. Heard learned counsel for the petitioner and learned Special Government Pleader for the respondent and perused the material available on record.

7. Considering the prayer in the writ petition and the submission of the learned Special Government Pleader, this Court is inclined to direct the respondent not to evict the petitioner from the premises at Old No.13, New No.11, Perumal Koil Street, Aminjikarai, Chennai -600 029, without following due process of law. However, it is open to the respondent to initiate action for recovery of arrears of rent for the subject premises.

8. The Writ Petition is disposed of, on the above terms. Consequently, the connected M.P is closed. No costs.

sd/

Assistant Registrar(CS II)

/true copy/

Sub Assistant Registrar

avr

To

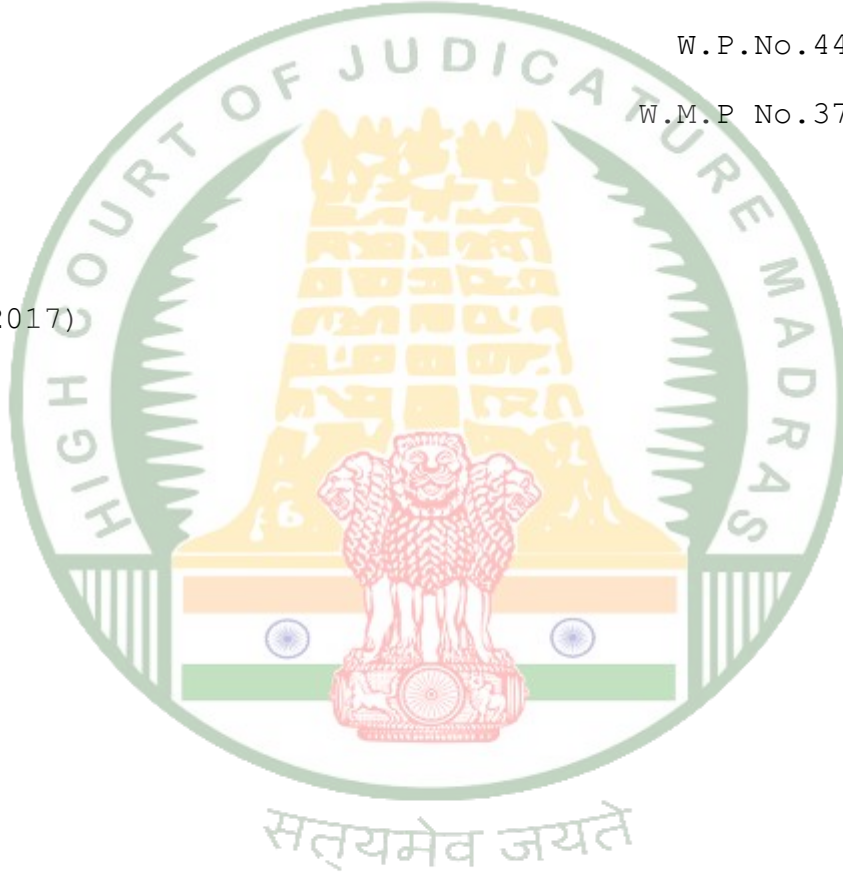
The Executive Officer  
Arulmigu Egam Bareshwarer Koil  
Perumal Koil Street  
Aminjikarai  
Chennai - 600 029.

+lcc to Mr.B.Nedunchezhiyan Advocate SR.No.76242

+lcc to the Government Pleader SR.No.76377

W.P.No.44153 of 2016  
and  
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SR(CO)  
GN(10/02/2017)



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