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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2016

CORAM :

THE HONOURABLE MR. JUSTICE K. RAVICHANDRABAABU

W.P (MD) No. 1885 of 2015

and

M.P (MD) Nos. 1 and 2 of 2015

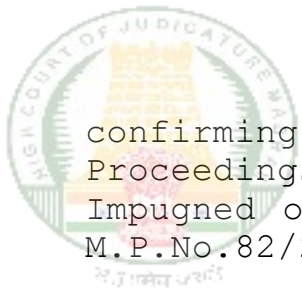
Vairavan

... Petitioner

Vs.

1. The Secretary,
Tourism, Culture and Religious Endowment
Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
 2. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600034.
 3. The Joint Commissioner,
HR and CE Admn. Department,
Sivagangai Division,
Sivagangai District.
 4. The Assistant Commissioner/
The Executive Officer,
A/m Mariamman Temple,
Irukkankudi, Sattur Taluk,
Virudhunagar District.
 5. The Assistant Commissioner,
HR and CE Admn. Department,
Virudhunagar Division,
Virudhunagar District.
- ... Respondents

Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Certiorari to call for the
records pertaining to the impugned order passed by the first
respondent in his proceedings G.O.Ms.No.313, dated 17.12.2014



confirming the Impugned Order of the second respondent in his Proceedings R.P.37/2014 D2 dated 09.06.2014 confirming the Impugned order passed by the 3rd respondent in his proceedings in M.P.No.82/2012/A3 dated 30.09.2013 and quash the same.

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For Petitioner

: Mr.K.Seemaraj

For Respondents

: Mr.T.S.Md.Mohideen

Additional Government Pleader
for R1 to R3 and R5

Mr.P.Mahendran for R4

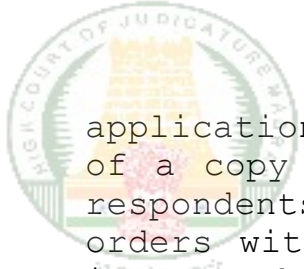
O R D E R

The petitioner is aggrieved against the eviction proceedings initiated and passed by the third respondent confirmed by the second and first respondent.

2.According to the petitioner, he is a tenant under the temple and even though he was paying the rent regularly without any default, the temple has chosen to initiate action against the petitioner alone without resorting to evict other tenants. It is the further case of the petitioner that he is not the encroacher and on the other hand, the receipts issued by the temple upto 2013 would show that the petitioner was treated as a tenant by receiving the monthly rent from him.

3.Per contra, it is contended by the temple that the petitioner is an encroacher and after 2013, no receipt was issued by treating the petitioner as a tenant and therefore, at least from 2013 onwards he is not to be treated as tenant as no receipt was issued to him towards any rental amount.

4.Perusal of the impugned orders passed by all the authorities would show that the petitioner is an occupation of the property under dispute without there being any existing lease agreement between himself and the temple. As rightly pointed out by the learned Special Government Pleader that even though the rental receipts were issued to the petitioner for the earlier period upto 2013, the fact remains that no such receipts were issued by the temple after 2013 and therefore, that would show that the petitioner was not treated as a tenant thereafter, thereby indirectly terminating the lease, if any, that was in existence prior to 2013. At the same time, as it is contended by the petitioner that he is in possession and enjoyment of the property for long number of years and he is also willing to pay the prevailing monthly rent to the temple, it is for the petitioner to make a request to the third and fourth respondents seeking for extending the lease. The petitioner shall make such an



application within a period of two weeks from the date of receipt of a copy of this order. If any such application is filed, the respondents 3 and 4 shall consider the same and pass appropriate orders within a period of four weeks thereafter. Till the order is passed by the respondents 3 and 4, both the parties should maintain status quo as on today.

5. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar

/True Copy/

Sub Assistant Registrar

Skn

To

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5. The Assistant Commissioner,
HR and CE Admn. Department,
Virudhunagar Division,
Virudhunagar District.



+1cc to Mr.P.MAHENDRAN Advocate Sr.No. 80065

+1cc to Mr.K.S.SEEMARAJ Advocate Sr.No. 80055

+1cc to Spl.Government Pleader Sr.No. 80261

JAM/09.01.2017/KM/4P-9C

W.P(MD)No.1885 of 2015
and
M.P(MD)Nos.1 and 2 of 2015

08.12.2016