

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37730 of 2016

ORDER:

This writ petition is filed seeking to declare the action of the 1st respondent in trying to dispossess the petitioner from the shop bearing Room No.9/435 belonging to the 1st respondent without following the due process of law as contemplated under Section 83 of the Act and discriminating the petitioner for being a Muslim, as illegal and arbitrary.

Heard and perused the material available on record.

The case of the petitioner is that the petitioner is in possession of the shop for the last 18 years undertaking carpentry work in the shop and eking out his livelihood by undertaking small works from the shop belonging to the Satram. The petitioner is paying a monthly rent of Rs.1,275/- to the 1st respondent, but the 1st respondent is not accepting the rent with an aim to show the petitioner as a defaulter and to get him evicted from the premises in question and that earlier, a notice was issued on 06.07.2012 indicating that the petitioner has to handover the vacant possession of the shop, failing which appropriate proceedings will be initiated as per law. Failing to initiate eviction proceedings against the petitioner in pursuance of the notice, dated 06.07.2012, the 1st respondent has conducted a public auction on 01.10.2015 for a period of three (3) years and except the petitioner, the shops that were bid in public auction on 01.10.2015 were bid only by the existing tenants. The main grievance of the petitioner is that though the auction was held on 01.10.2015, till date the very same tenants are continuing including the petitioner, but the 1st respondent is targeting the petitioner since he is a Muslim by holding that Muslims are not permitted to undertake business in the 1st respondent satram and now the petitioner is apprehending that

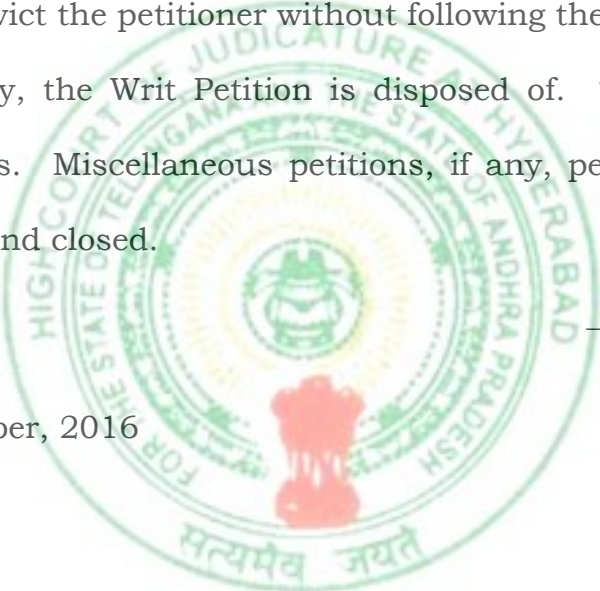
he may be evicted from the shop by the 1st respondent without following the due process of law.

Learned counsel for the 1st respondent submitted that the petitioner is not in possession of the subject shop and already auction was held on 01.10.2015 and one Prabhakar is in possession of the said shop.

Considering the grievance of the petitioner and the rival contentions, the Writ Petition is disposed of with the following direction:

Since the possession of the subject shop is in dispute, if the petitioner is in possession of the subject shop, the 1st respondent is directed not to evict the petitioner without following the due process.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.



RAJA ELANGO,J

Date: 3rd November, 2016

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