



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.12317 of 2017
and
W.M.P (MD) No.9486 of 2017

M.Santhanam

... Petitioner

Vs.

1. The Special Deputy Collector,
Revenue Court,
Narayanapuram West 1st Street,
Madurai -14.
2. Arulmigu Madhana Gopalasamy Thirukovil,
Melamasi Veedhi,
Madurai - 625 001
through its Executive Officer.
3. The Thasildar,
Vadipatti Taluk Office,
Vadipatti,
Madurai District.
4. The Village Administrative Officer,
Kallanai Village,
Vadipatti Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 07.04.2017 in Na.Ka.No.81/2017/91 passed by the first respondent and quash the same as illegal, arbitrary and directing second respondent to stop the public auction cum tender scheduled to held on 30.06.2017.

For Petitioner : Mr.R.Ganesan
For R.1, R.3 & R.4 : Mr.T.S.Mohamed Mohideen
Additional Government Pleader
For R.2 : Mr.S.Manohar

ORDER



2. Heard, the learned Counsel appearing on either side.

3. The case of the petitioner is that he is a cultivating tenant under the second respondent. While so, the second respondent has filed a petition before the first respondent for eviction, as if the petitioner is an encroacher and committed default in payment of rent. Though the petitioner has been paying the rent regularly, without any notice regarding fixation of fair rent, the first respondent has passed an order of eviction and following the same, the second respondent has called for the public tender notice, dated 30.06.2017. Hence, aggrieved by the same, the petitioner is before this Court.

4. When the matter is taken up for hearing, the learned Counsel for the petitioner submitted that the petitioner has remitted the entire arrears of rent, which is not refuted by the learned Counsel for the second respondent.

5. The learned Counsel for the second respondent, on instructions, further submitted that if the petitioner regularly pays the rent or the enhanced rent whatsoever to be fixed by the authorities without any default, he would be permitted to continue. In reply to the above, the learned counsel for the petitioner would submit that the petitioner undertakes to hereafter pay the monthly rent as directed by the authorities concerned without any default.

6. Recording the said undertaking given by the petitioner and also taking into consideration the submission of the learned Counsel for the second respondent, this writ petition is disposed of, directing the petitioner to approach the second respondent and on his appearance, the second respondent shall execute necessary lease deed as per law. Such an exercise shall be completed within a period of two weeks from the date of receipt of copy of this order. It is needless to mention that if the petitioner fails to honour his undertaking, it is open to the authorities to evict the petitioner, forthwith. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The Special Deputy Collector
Revenue Court,
Narayanaipuram West 1st Street,
Madurai -14.



2. The Thasildar,
Vadipatti Taluk Office,
Vadipatti,
Madurai District.

WEB COPY

3. The Village Administrative Officer,
Kallanai Village,
Vadipatti Taluk,
Madurai District.

+ 1 CC TO Mr.R.GANESAN, ADVOCATE IN SR No. 85769
+ 1 CC TO Mr.S.MANO HAR, ADVOCATE IN SR No. 86080

RM

TE/SV-MMS/SAR-II : 20/11/2017 : 3P/6C

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