



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P(MD)No.16425 of 2017

and

W.M.P (MD)No.13087 of 2017

Selvarajan & Co. rep. by its
Partner Selvarajan,
409, North Masi Street,
Madurai.

.. Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment
Department (HR & CE), Madurai - 1.

2.The Joint-Commissioner/Executive Officer,
Arulmigu Meenakshi Sundareswarar Thirukoil,
Madurai.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents from interfering with the peaceful possession and enjoyment of the petitioner in the shop situated in Door No.409, North Masi Street, Madurai without following due process of law contemplated under the HR&CE Act.

For Petitioner : Mr.J.Anandkumar

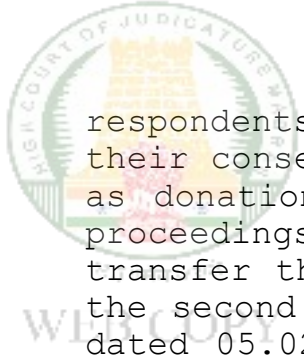
For Respondent No.1 : Mr.J.Gunaseelan Muthaiah,
Government Advocate.

For Respondent No.2 : Mr.VR.Shanmuganathan,
Special Government Pleader.

ORDER

This writ petition is filed seeking a writ of Mandamus to direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner in the shop situated at Door No.409, North Masi Street, Madurai, without following due process of law contemplated under the Tamil Nadu Hindu Religious and Charitable Endowments Act.

2.The case of the petitioner is that the shop situated at Door No.409, North Masi Street, Madurai, belongs to the second respondent, was initially leased out to one Rathinam. Since, he has to pay huge arrears of rent, the petitioner approached the



respondents and expressed his willingness to pay the same and with their consent, he paid the entire arrears and a sum of Rs.6,00,000/- as donation and on receipt of the same, the first respondent vide proceedings, dated 31.01.2013, directed the second respondent to transfer the license in the name of the petitioner and accordingly, the second respondent implemented the said order, vide proceedings, dated 05.02.2013 and the petitioner is in possession and enjoyment of the same. While so, during the third week of August, 2017, the second respondent directed him to vacate the said premises. On enquiry, the petitioner came to know that the respondents filed a suit before the civil Court against the erstwhile tenant and the same was decreed and in the execution proceedings, an order of delivery was passed and in pursuant to the same, the second respondent tried to evict him from the shop. Therefore, the petitioner is before this Court.

3.Heard both sides.

4.The learned Special Government Pleader appearing for the second respondent submitted that due process of law will be followed for taking any action against the petitioner, who is in occupation of the shop, vide order, dated 05.02.2013, issued by the second respondent.

5.Since the prayer in the writ petition is conceded by the second respondent, recording the said submission made on the side of the second respondent, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment
Department (HR & CE), Madurai - 1.

2.The Joint-Commissioner/Executive Officer,
Arulmigu Meenakshi Sundareswarar Thirukoil,
Madurai.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 76852

+1cc to Mr.J.ANANDKUMAR Advocate in SR. No. 76468

SMN

JS/KP/SAR.1/14.09.2017/2P-5C

ORDER MADE IN

**W.P(MD)No.16425 of 2017
and**

**W.M.P(MD)No.13087 of 2017
05.09.2017**