

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 22.09.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.18253 of 2017

and

W.M.P (MD) No.14691 of 2017

P.Krishnammal

... Petitioner

Vs.

1. The Executive Officer,
Arulmigu Puttu Sokkanathar Thirukovil,
Madurai - 16.

2. The Joint Commissioner cum Executive Officer,
Arulmigu Meenakshi Amman Thirukovil,
Madurai.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents not to evict the petitioner from her building, bearing the door numbers 5 and 6 Puttu Thoppu Road, Madurai - 16 which buildings are situated on the leased land belonging to Arulmigu Puttu Sokkanathar Temple, Madurai.

For Petitioner : Mr.C.A.Ganapathi

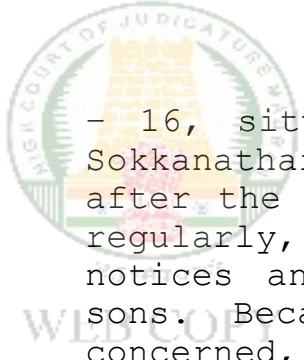
For Respondents : Mr.M.Saravanan for R.1
Mr.J.Gunaseelan Muthiah,
Government Advocate for R.2

ORDER

By consent, this writ petition itself is taken up for final disposal.

2. Mr.M.Saravanan, learned Counsel, takes notice for the first respondent and Mr.J.Gunaseelan Muthiah, learned Government Advocate takes notice for the second respondent.

3. The Petitioner has come before this Court, seeking a Writ of Mandamus, directing the respondents not to evict her from the buildings bearing Door Nos.5 and 6, Puttu Thoppu Road, Madurai



- 16, situated on the leased land belonging to Arulmigu Puttu Sokkanathar Temple, Madurai. It is the case of the petitioner that after the demise of her husband, her sons failed to pay the rent regularly, which constrained the authorities to send several notices and the same were not brought to her knowledge by her sons. Because of their non-appearance before the authorities concerned, an order dated 03.03.2016 came to be passed, declaring the petitioner as an encroacher and the petitioner was directed to vacate the premises, forthwith. When the petitioner came to know of it, she immediately approached the authorities and expressed her willingness to pay the entire arrears, without any default and subsequent thereto, the petitioner has paid the entire arrears on 15.09.2017. Though the 1st respondent has issued a receipt dated 15.09.2017 to the petitioner in proof of remittance of the entire amount, it has been specifically endorsed in the receipt that the amount so received was without prejudice to the order dated 03.03.2016. Hence, apprehending that the petitioner will be evicted at any time pursuant to such endorsement made in the receipt, she is before this Court.

4. When the matter is taken up for hearing, the learned Counsel for the first respondent has fairly conceded the factum of receipt of the entire amount and has, 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, she 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 default.

5. Recording the undertaking given by the petitioner and also taking into consideration the submission of the learned Counsel for the first respondent, this writ petition is disposed of, directing the petitioner to remit the monthly rent / enhanced rent to be fixed by the authority, without any default, failing which, it is open to the respondents to evict the petitioner forthwith. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

<https://hcservices.hcma.gov.in/hcservices> Officer,
Arulmigu Puttu Sokkanathar Thirukovil,
Madurai - 16.



2. The Joint Commissioner cum Executive Officer,
Arulmigu Meenakshi Amman Thirukovil,
Madurai.

+ 1 cc TO Mr.C.A.Ganapathi , Advocate in SR No. 80497

+ 1 cc TO Mr.M.Saravanan , Advocate in SR No. 80522

+1cc to The Special Government Pleader in SR.No.81107

gk

AE/SKN RSK/SAR2/10.10.2017/3P/6C

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