



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.19649 of 2017

and

W.M.P.(MD) No.15924 of 2017

Dhanapackiam

... Petitioner

-vs-

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai.

2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai - 1.

3. The Managing Trustee,
Arulmighu Puttu Urchava Vagaiyara Kattalai,
Puttuthoppu, Arappalayam Main Road,
Madurai - 625 016.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the records of the impugned order in Miscellaneous Petition No.37 of 2016 dated 28.03.2017 passed by the 1st Respondent and quash the same as illegal and consequently direct the 3rd Respondent to receive the arrears of rent payable by the Petitioner.

For Petitioner : Mr.M.Kannan

For R1 & R2 : Mr.J.Gunaseelan Muthiah,
Government Advocate

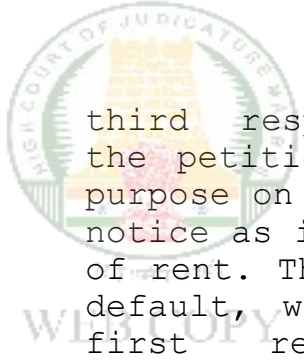
For R3 : Mr.M.Saravanan

O R D E R

This writ petition has been filed, seeking to quash the impugned order of the 1st Respondent and consequently direct the 3rd Respondent to receive the arrears of rent payable by the Petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The case of the petitioner is that he is a tenant under



third respondent and with the permission of the third respondent, the petitioner also constructed a super structure for residential purpose on the property. While so, the first respondent had issued a notice as if the petitioner is a encroacher and defaulted in payment of rent. Though the petitioner has been paying the rent without any default, without any notice regarding fixation of fair rent, the first respondent has passed the impugned order of eviction. Aggrieved by the same, the petitioner is before this Court.

3. Further, the petitioner, in Paragraph No.9, of the affidavit filed in support of the writ petition, has given an undertaking as follows:

"9) I submit that, I have given a representation dated 11.10.2017 to the third respondent annexing a DD drawn in favour of the third respondent dated 11.10.2017 for the admitted arrears of Rs.20,000/- and with a request to the third respondent to intimate me about the fair rent fixed and also with an undertaking to pay the fair rent in future."

4. The said undertaking of the petitioner is taken on record. The learned counsel for the third respondent has conceded the receipt of the amount and has, on instructions, submitted that the third respondent is inclined to permit the petitioner to occupy in the property belonging to the third respondent.

5. In view of the above submission, the petitioner is directed to pay the fair rent as fixed by the third respondent without any default and honour the commitment as undertaken in the affidavit. Pursuant to the undertaking filed by the petitioner agreeing to pay the rent to be fixed by the third respondent, the respondents 1 & 2 are directed to drop all other proceedings pending against the petitioner. However, it is made clear that in the event of the petitioner committing any default in compliance of remittance of monthly rent, the respondents are at liberty to evict the petitioner forthwith.

6. With the above direction, this petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar



To:

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai.

2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai - 1.

+ 1 CC TO Mr.M.SARAVANAN, ADVOCATE IN SR No. 84589

DSK

TE/KP/SAR-4 : 24/11/2017 : 3P/4C

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