



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) Nos.19779 & 19780 of 2017

and

W.M.P. (MD) Nos.16035 & 16036 of 2017

N.V.Janardhanan ... Petitioner in W.P(MD) No.19779 of 2017

B.B.Sureshkumar ... Petitioner in W.P(MD) No.19780 of 2017

Vs.

1. The Commissioner,
Hindu Religious & Charitable Endowments (Admn.) Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai.
 2. The Joint Commissioner,
Hindu Religious & Charitable Endowments (Admn.) Department,
Madurai.
 3. The Assistant Commissioner
Hindu Religious & Charitable Endowments (Admn.) Department,
Madurai.
 4. The Assistant Commissioner /
Executive Officer,
Arulmighu Koodal Alagar Perumal Temple,
Madurai.
- .. Respondents in both petitions

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to extend the period of lease in favour of the petitioners in respect of shop Nos.8 & 12 as per the representation dated 22.02.2017.

For all Petitioners : Mrs.J.Anandhavalli,

For Respondents : Mr.T.S.Mohamed Mohideen - for R1 to R3
Additional Government Pleader
: Mr.K.R.Laxman - for R4

C O M M O N O R D E R

As the issue involved in both the writ petitions revolves around a common point, they are taken up together for final disposal by way of this common order.



2. Both the writ petitions are filed seeking to direct the second respondent to extend the period of lease in favour of the petitioners in respect of shop Nos.8 & 12 as per their representation dated 22.02.2017.

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3. The case of the petitioners, as averred in the affidavit filed in support of the petitions, is that they are tenants under Koodal Alagar Temple and they had been paying the rent regularly without any default. While so, the second respondent by proceedings, dated 08.02.2012, enhanced the rent. The fair rent fixed by the second respondent, was challenged before this Court and this Court had also confirmed the same. Due to default in the payment of arrears of rent, the third respondent has sent a report to the second respondent recommending for initiation of eviction proceedings. Thereafter, the Joint Commissioner, HR & CE, vide his order, dated 11.01.2017, under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, passed an order of eviction. In the meantime, the petitioners had paid the entire arrears of rent and prays to extend the period of lease for 3 years. As there was no action, the petitioners sent a representation dated 22.02.2017 to the second respondent, requesting him to recall the order of eviction and to recognize them as tenants.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that if a reasonable time is granted to the respondents, appropriate orders will be passed on the representation of the petitioners.

5. In view of the above submission and also considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioners' claim, directs the second respondent to consider the representation of the petitioners dated 22.02.2017 and pass appropriate orders on its own merits and in accordance with law, after affording due opportunity of hearing to the petitioners within a period of six weeks from the date of receipt of a copy of this order, before proceeding with any action for eviction, if not evicted already.

6. With the above directions, both the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/



To:

1. The Commissioner,
Hindu Religious & Charitable Endowments (Admn.) Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai.
2. The Joint Commissioner,
Hindu Religious & Charitable Endowments (Admn.) Department,
Madurai.
3. The Assistant Commissioner
Hindu Religious & Charitable Endowments (Admn.) Department,
Madurai.
4. The Assistant Commissioner /
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Arulmighu Koodal Alagar Perumal Temple,
Madurai.

RM/RK

VB/KK/SAR4/22.03.2018/3P/5C

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