

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

DATED : 30.10.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P. (MD) Nos.19924, 19925, 19927 of 2017****and****W.M.P (MD) Nos.16197, 16198, 16200 of 2017**

N.Muthurekha	... Petitioner in W.P (MD) No.19924/17
S.Navaneethakrishnan	... Petitioner in W.P (MD) No.19925/17
R.Kalidoss	... Petitioner in W.P (MD) No.19927/17

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. Managing Trustee,
Arulmighu Puttu Urchava Vagaiyara Kattalai,
Puttuthoppu, Arappalayam Main Road,
Madurai - 625 016. ... Respondents in all petitions

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the impugned order in Na.Ka.No.9540/2013/E1 dated 03.03.2016, Miscellaneous Petition No.26/2016 dated 17.02.2017 and Miscellaneous Petition No.34/2016 dated 17.02.2017, respectively, passed by the 1st respondent and quash the same as illegal and consequently direct the 3rd respondent to receive the arrears of rent and future rent payable by the petitioners.

For Petitioner	: Mr.M.Kannan
For Respondents	: Mr.J.Gunaseelan Muthiah
	Government Advocate for R.1 & R.2
	Mr.M.Saravanan for R.3
	(In all petitions)

**COMMON ORDER**

As the issue involved in all these cases are similar in nature, they are disposed of by this common order.

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2. By consent, these writ petitions are taken up for final disposal at the stage of admission itself.

3. Mr.J.Gunaseelan Muthiah, learned Government Advocate takes notice for the first & second respondents. Mr.M.Saravanan, learned Counsel takes notice for the third respondent.

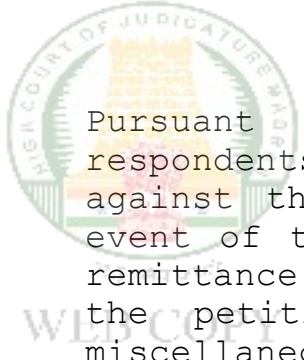
4. The petitioners are before this Court, seeking a Writ of Certiorarified Mandamus, to quash the impugned order of the first respondent dated 03.03.2016 & 17.02.2017, respectively, by which the petitioners were directed to vacate the premises within 30 days.

5. The case of the petitioners is that they are tenants under the third respondent and with the permission of the third respondent, the petitioners had also constructed a super structure for residential purpose on the property. While so, the third respondent has filed a petition before the first respondent for eviction, as if the petitioners are encroachers and defaulted in payment of rent. Though the petitioners have 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. Hence, aggrieved by the same, the petitioners are before this Court.

6. When the matter is taken up for hearing, the learned Counsel for the petitioners submitted that the petitioners have remitted the entire arrears of rent and has produced a copy of the Demand Draft.

7. The learned Counsel for the third respondent, on the other hand, sought time to verify the same and has, on instructions, further submitted that if the petitioners regularly pay the rent or the enhanced rent whatsoever to be fixed by the authorities without any default, they would be permitted to continue. In reply to the above, the learned counsel for the petitioners would submit that the petitioners undertake to hereafter pay the monthly rent as directed by the authorities concerned without default.

8. Recording the undertaking given by the petitioners and also taking into consideration the submission of the learned Counsel for the third respondent, these writ petitions are disposed of, directing the petitioners to remit the monthly rent / enhanced rent to be fixed by the authority, without any default.



Pursuant to the undertaking given by the petitioners, the respondents are directed to drop all other proceedings pending against the petitioners. However, it is made clear that in the event of the petitioners committing any default in compliance of remittance of monthly rent, it is open to the respondents to evict the petitioners forthwith. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar ()

/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.

+3cc to M/S.M.KANNAN, Advocate SR.No.84468, 84469 & 84471.
+3cc to M/S.M.SARAVANAN, Advocate SR.No.84247, 84248 & 84250.
The Special Government Pleader in SR.No.84650, 84657 & 84658.

W.P. (MD) Nos.19924, 19925, 19927 of 2017
30.10.2017

gk
SDS/SKN:RSK/SAR 4/02.11.2017/3P/10C