



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) Nos.20009 and 20010 of 2017

and

W.M.P. (MD) Nos.16281 to 16284 of 2017

Thedaselvam

... Petitioner in both WPs

-vs-

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

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

3.The Chairman of Trustees,
Arulmighu Puttu Urchava Vagaiyara Kattalai,
Puttuthoppu,
Madurai - 625 016.

... Respondents in both WPs

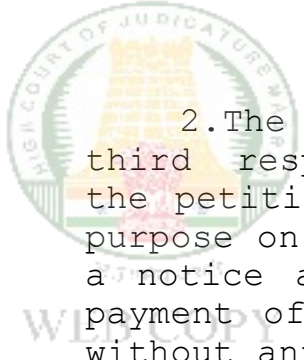
Prayer in WP (MD)No.20009 of 2017: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari calling for the records relating to the impugned order passed by the 1st respondent in Miscellaneous Petition No.29 of 2016 dated 02.02.2017 and to quash the same as illegal.

Prayer in WP (MD)No.20010 of 2017: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the impugned order passed by the 1st respondent in his proceedings in Na.Ka.No. 10641/2013/E1 dated 03.03.2016 and to quash the same as illegal.

For Petitioner	: Mr.S.Satheeshkumar
For R1 & R2	: Mr.J.Gunaseelan Muthiah, Government Advocate
For R3	: Mr.M.Saravanan in Both WPs

COMMON ORDER

These writ petitions have been filed, seeking to quash the impugned orders of the 1st Respondent and consequently direct the 3rd Respondent to receive the arrears of rent payable by the Petitioner.



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 orders of eviction. Aggrieved by the same, the petitioner is before this Court.

3.The petitioner also undertakes to pay the entire arrears of rent and in future also she will not commit any default in payment of rent.

4.The said affidavit of undertaking is taken on record. The learned counsel for the third respondent has, on instructions, submitted that the third respondent is inclined to permit the petitioner to occupy in the property belonging to the third respondent, if she pays the entire arrears and the rent/enhanced rent to be fixed by the authorities.

5. In view of the above submission, the petitioner is directed to pay the entire arrears and 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, these petitions are disposed of. 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,
Maduari.

<https://hcservicecourts.org/Case-Assoilment>
2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai.



3.The Chairman of Trustees,
Arulmighu Puttu Urchava Vagaiyara Kattalai,
Puttuthoppu,
Madurai - 625 016.

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+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 85022
+2cc to Mr.M.SARAVANAN Advocate in SR. No. 84591,84592

DSK

JS/SKN.RSK/SAR.3/9.11.2017/3P-7C

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