



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2017

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WEB COPY

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN****W.P(MD) No.20075 of 2017 and****W.M.P(MD)Nos.16343 and 16344 of 2017**

R.Ramu

... 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. 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 Na.Ka.7196/2013/E1 dated 03.03.2016 passed by the first respondent and quash the same as illegal and consequently direct the respondents to refix the rent payable by giving opportunity to the petitioner.

For Petitioner : Mr.M.Kannan

For R1 and R2 : Mr.T.S.Mohammed Mohideen,  
Additional Govt. Pleader.

For R3 : Mr.M.Saravanan

**O R D E R**

This writ petition has been filed, seeking to quash the impugned order of the first respondent, dated 03.03.2016, made in Na.Ka.7196/2013/E1, by which the petitioner was directed to vacate the premises within 30 days.

2.The case of the petitioner is that he is a tenant under the third respondent and with the permission of the the third respondent, the petitioner also constructed a super structure for residential purpose on the property. While so, the first respondent had initiated proceedings as if the petitioner is an 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. Hence, aggrieved by the same, the petitioner is before this Court.

3. When the matter is taken up for hearing on 22.11.2017, this Court passed the following order:

"2. According to the learned Counsel for the petitioner, as per the impugned order, the arrears is only Rs.2,25,000/- (Rupees Two Lakh and Twenty Five Thousand only), whereas, on the other hand, the learned Counsel for the third respondent, on instructions, submitted that the arrears is Rs.6,22,000/- (Rupees Six Lakh and Twenty Two Thousand only).

3. Since the petitioner is declared as a chronic defaulter, in the interest of justice, the petitioner is permitted to hand over the Demand Draft for Rs.2,25,000/- (Rupees Two Lakh and Twenty Five Thousand only) to the third respondent, forthwith and the remaining arrears, as claimed by the authorities, shall be paid within a period of four weeks from today".

4. Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner submitted that the said order has been complied with by the petitioner and the petitioner undertakes to pay the fair rent already fixed by the third respondent and the learned counsel for the third respondent has conceded the same and has, on instructions, submitted that the third respondent is inclined to permit the petitioner to occupy 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 given in the undertaking. Pursuant to the undertaking given by the petitioner agreeing to pay the rent to be fixed by the third respondent, the respondents, especially 2 and 3 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 petitions are closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To:

1. The Joint Commissioner,

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

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.

+1cc to Mr.M.KANNAN Advocate in SR. No. 91017

+1cc to Mr.M.SARAVANAN Advocate in SR. No. 91098

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 91457

SMN

JS/MR/KKR/SAR.1/15.12.2017/3P-7C

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