

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

DATED : 01.11.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P. (MD) No.20078 of 2017andW.M.P (MD) No.16363 of 2017

R.Veeraiyan

... 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 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 Miscellaneous Petition No.35/2016 dated 17.02.2017 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 Respondents : Mr.T.S.Mohamed Mohideen
Additional Government Pleader
for R.1 & R.2
Mr.M.Saravanan for R.3

ORDER

By consent, this writ petition is taken up for final disposal at the stage of admission itself.

2. Mr.T.S.Mohamed Mohideen, learned Additional Government Pleader takes notice for the first & second respondents. Mr.M.Saravanan, learned Counsel takes notice for the third respondent.

3. The petitioner is before this Court, seeking a Writ of Certiorarified Mandamus, to quash the impugned order of the first respondent dated 17.02.2017, by which the petitioner was directed to



vacate the premises within 30 days.

4. The case of the petitioner is that he is a tenant under the third respondent and with his permission, the petitioner 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 petitioner is an encroacher and defaulted in payment of rent. Though the petitioner has been paying the rent regularly, 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.

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

6. 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 petitioner regularly pays the rent or the enhanced rent whatsoever to be fixed by the authorities without any default, he would be permitted to continue. In reply to the above, the learned counsel for the petitioner would submit that the petitioner undertakes to hereafter pay the monthly rent as directed by the authorities concerned without default.

7. Recording the undertaking given by the petitioner and also taking into consideration the submission of the learned Counsel for the third respondent, this writ petition is disposed of, directing the petitioner to remit the monthly rent / enhanced rent to be fixed by the authority, without any default. Pursuant to the undertaking given by the petitioner, the respondents 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, it is open to the respondents to evict the petitioner forthwith. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

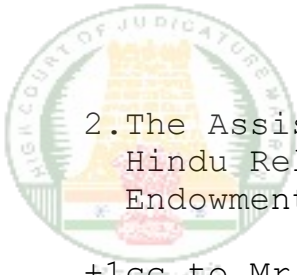
Assistant Registrar (AD-II)

/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.

+1cc to Mr.M.SARAVANAN Advocate in SR. No. 84729

+1cc to Mr.M.KANNAN Advocate in SR. No. 84743

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 85051

GK

JS/KP/SAR.1/10.11.2017/3P-6C

W.P. (MD) No.20078 of 2017
01.11.2017