

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

DATED : 01.11.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.20092 of 2017

and

W.M.P (MD) Nos.16381 & 16382 of 2017

Paulsamy Thevar

... Petitioner

Vs.

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

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

3. The President,
Arulmighu Puttuursava Kattalai,
Madurai.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No. 3470/2013-4/Aa1, dated 24.10.2017 and quash the same and consequently direct the 3rd respondent herein not to evict the petitioners peaceful possession, enjoyment and occupation of the premises bearing Door No. 23-A/3, Chekkadi Street, Puttu Thoppu, Puttu Thoppu Main Road, Madurai - 16 and land comprised in S.No. 1187/1 with an extent of 698 sq. feet.

For Petitioner : Mr.P.Subbaraj

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 to quash the impugned order of the second respondent dated 24.10.2017, by which the petitioner was directed to vacate the premises.

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 an order of eviction and following the same, the second respondent has passed the present impugned order dated 24.10.2017, directing the petitioner to vacate the premises, forthwith. 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, which is not refuted by the learned Counsel for the third respondent.

6. The learned Counsel for the third respondent, 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 petitions are closed.

Sd/-

Assistant Registrar(T&P)

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/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,
Madurai District.

+ 1 cc TO Mr.P.Subbaraj , Advocate in SR No. 84921
+ 1 cc TO Mr.M.Saravanan , Advocate in SR No. 84730
+1cc to The Special Government Pleader in SR.No.85171

gk

AE/SKN RSK/SAR2/06.11.2017/3P/6C

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