



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P. (MD) No.20167 of 2017andW.M.P (MD) No.16451 of 2017

A.Gurusamy

... 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.

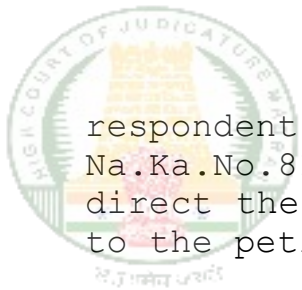
3.Managing Trustee,
Arulmighu Puttu Urchava Vagaiyara Kattalai,
Puttuthoppu, Arappalayam Main Road,
Madurai - 625 016.

... Respondents

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.10494/2014 E1 dated 21.01.2016 passed by the 1st respondent and the consequential order in Na.Ka.No.816/2014-4/A1 dated 24.10.2017 passed by the 2nd Respondent and quash the same as illegal and consequently direct the Respondents to re-fix the rent payable by giving opportunity to the petitioner.

For Petitioner	: Mr.M.Kannan
For RR - 1 & 2	: Mr.J.Gunaseelan Muthiah Government Advocate
For R - 3	: Mr.M.Saravanan

This writ petition has been filed seeking to quash the impugned order passed in Na.Ka.No.10494/2014 E1 by the first



respondent and the consequential order passed in Na.Ka.No.816/2014-4/A1 by the second respondent and consequently direct the respondents to re-fix the rent by giving an opportunity to the petitioner.

2.Mr.J.Gunaseelan Muthiah, learned Government Advocate takes notice for the respondents 1 and 2. Mr.M.Saravanan, learned Counsel takes notice for the third respondent. By consent, this writ petition is taken up for final disposal at the stage of admission itself.

3.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. Aggrieved by the same, the petitioner is before this Court.

4.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.

5.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.

6.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, WMP(MD)No.16451 of 2017 is closed.

Sd/-

Assistant Registrar(T&P)



To

WEB COPY

- 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.

+One cc to The Special Government Pleader, SR.No.85403

+One c to M/s.M.Kannan, Advocate, SR.No.84999

+One cc to M/s.M.Saravanan, Advocate, SR.No.84993

mj

RL/7C/3P/SKN/RSK/SAR3/10/11/2017

W.P. (MD) No.20167 of 2017

02/11/2017