



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2017

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THE HONOURABLE MR. JUSTICE R. MAHADEVANW.P. (MD) No. 20224 of 2017andW.M.P (MD) No. 16482 of 2017

M. Pasungili @ Veerapandian

... Petitioner

Vs.

1. The Joint Commissioner,
HR & CE Department,
Madurai - 1.

2. The Assistant Commissioner,
HR & CE Department,
Madurai - 1.

3. The President/Trustee,
Arulmighu Puttu Urchava Vagaiyara Kattalai,
Madurai - 16.

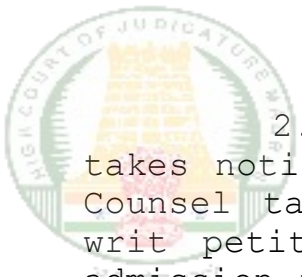
... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to quash the order of the 2nd respondent in Na.ka.No. 5066/2013-4/Aa1 dated 24.10.2017 and quash the same as illegal and consequently direct the 2nd and 3rd respondents not to disturb the possession of the petitioner in his house at D1, Puttuthoppu Temple Campus, Puttuthoppu, Puttuthoppu Main Road, Madurai.

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

ORDER

This writ petition has been filed seeking to quash the impugned order passed by the second respondent in Na.ka.No. 5066/2013-4/Aa1 and consequently direct the respondents 2 and 3 not to disturb the possession of the petitioner in his house at D1, Puttuthoppu Temple Campus, Puttuthoppu, Puttuthoppu Main Road, Madurai.



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.

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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. Though the petitioner has been paying the rent regularly, without any notice regarding fixation of fair rent, the second respondent has passed the impugned order of eviction 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.16482 of 2017 is closed.

Sd/-

Assistant Registrar(T&P)

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To

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1.The Joint Commissioner,
HR & CE Department,
Madurai - 1.

2.The Assistant Commissioner,
HR & CE Department,
Madurai - 1.

3.The President/Trustee,
Arulmighu Puttu Urchava Vagaiyara Kattalai,
Madurai - 16.

+One cc to Mr.R.Pon Karthikeyan, Advocate, SR.No.84959

+One cc to Mr.M.Saravanan, Advocate, SR.No.84992

+One cc to The Special Government Pleader, SR.No.85393

mj

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

W.P. (MD) No.20224 of 2017

02.11.2017