



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No. 10844 of 2016

and

W.M.P (MD) No.8417 of 2016

Karthik

... Petitioner

Vs.

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Theni, Dindigul and Madurai Administration,
Near Meenakshi Temple,
Madurai.

2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Theni and Dindigul Administration,
Pandiyan Nagar,
Dindigul.

3. The Executive Officer,
Arulmighu Muthukaruppannasamy
Angaleeswari Temple,
Having Office at
Arulmighu Thirukaleswarar and
Narasinga Perumal Temple,
Uthamapalayam Post,
Theni District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order issued by the first respondent in his proceedings No. in Na.Ka.No.2145/2016 E1 dated 05.05.2016 and consequential order issued by the 2nd respondent in Na.ka.No.594/2016-1/A3 dated 13.06.2016 and quash the same and consequently forbearing the respondents from evicting the petitioner from the shop comprised in Survey No.1171 situated in front of Muthukaruppannasamy Temple, Muthukaruppannasamy Street, Uthamapalayam Post, Theni District.

For Petitioner

: Mr.K.Neelamegam

For Respondents

: Mr.M.Alagathevan,

Special Government Pleader

for R.1 & R.2

Mr.M.Karuppasamy Pandian for R.3

**ORDER**

This writ petition has been filed by the petitioner, seeking a writ of Certiorari of Mandamus, to quash the impugned order of the first respondent in Na.Ka.No.2145/2016-E1 dated 05.05.2016 and the consequential order of the second respondent in Na.Ka.No.594/2016-1/A3 dated 13.06.2016 and consequently to forbear the respondents from evicting the petitioner from the shop comprised in Survey No.1171 situated in front of Muthukaruppanasamy Temple, Muthukaruppanasamy Street, Uthamapalayam Post, Theni District.

2.The case of the petitioner is that he along with his father were engaged in the business of selling pooja items in the premises of the temple in question, for more than 15 years. For the same, the petitioner is regularly paying rent to the Town Panchayat, Uthamapalayam. Whereas, all of a sudden, the first respondent issued the impugned order dated 05.05.2016, followed by a consequential order of the second respondent dated 13.06.2016, directing to evict the petitioner and hand over the possession to the respondent authorities. Aggrieved by the same, the present writ petition came to be filed.

3.Heard the learned Counsel appearing for the petitioner, the learned Special Government Pleader appearing for R.1 & R.2 and the learned Counsel appearing for the third respondent.

4.After a detailed and elaborate argument, the learned Counsel for the petitioner, produced an undertaking affidavit of the petitioner dated 08.09.2017, wherein, the petitioner has agreed to settle the entire rental arrears to the third respondent, within a period of fifteen days, to continue his business in the said place. He also submitted that the petitioner agrees to pay the current rent periodically as fixed and demanded by the respondents. The learned Counsel appearing for the respondents agreed for the same.

5.Under such circumstances, this writ petition is disposed of, with a direction to the petitioner to pay the entire rental arrears to the third respondent, within a period of fifteen days from the date of receipt of a copy of this order, failing which, it is open to the respondents to take appropriate action against the petitioner to evict him. The affidavit of the petitioner dated 08.09.2017, shall form part of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar



To

1. The Joint Commissioner,
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Theni, Dindigul and Madurai Administration,
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2. The Assistant Commissioner,
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Arulmighu Thirukaleswarar and
Narasinga Perumal Temple,
Uthamapalayam Post,
Theni District.

+ 1 CC TO MR.M.Karuppasamy Pandian, ADVOCATE IN SR No.77482
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.78337

gk

MK/SV MMS/SAR-1/3P/6C/15.09.2017

ORDER MADE IN
W.P(MD)No.10844 of 2016
08.09.2017