



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2017

CORAM

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD) No.22128 of 2017 and
W.M.P(MD)No.18427 of 2017

M.Seenivasan

... 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 is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the impugned order in Miscellaneous Petition No.64/2017, dated 30.10.2017 passed by the first respondent and quash the same as illegal and consequently direct the third respondent to receive the arrears of rent payable by the petitioner.

For Petitioner : Mr.M.Kannan

For R1 and R2 : Mr.T.S.Mohammed Mohideen,
Additional Govt. Pleader.

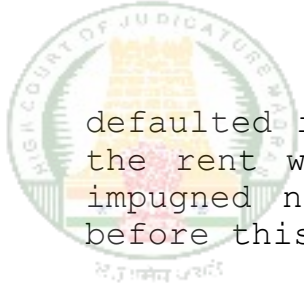
For R3 : Mr.M.Saravanan

O R D E R

This writ petition has been filed, seeking to quash the impugned order of the first respondent, dated 30.10.2017 made in Miscellaneous Petition No.64/2017, by which the petitioner was directed to show cause, as to why he should not be evicted from the premises.

2.Heard both sides.

3.The case of the petitioner is that he is a tenant under the third respondent and with the permission of the third respondent, the petitioner also constructed a superstructure for residential purpose on the property. While so, the first respondent had initiated proceedings as if the petitioner is a encroacher and



defaulted in payment of rent. Though the petitioner has been paying the rent without any default, the first respondent has passed the impugned notice. Hence, aggrieved by the same, the petitioner is before this Court.

4. Now, the learned counsel appearing for the petitioner submitted that the petitioner has paid the arrears of rent partly and he has to pay a sum of Rs.2,69,616/- and the petitioner undertakes to pay the fair rent already fixed by the third respondent and the learned counsel for the the third respondent has conceded for the same and has, on instructions, submitted that the third respondent is inclined to permit the petitioner to occupy in the property belonging to the the first respondent.

5. In view of the above submission, the petitioner is directed to pay Rs.2,69,616/- to the third respondent, within a period of six weeks from the date of receipt of a copy of this order and also directed to pay fair rent as fixed by the third respondent without any default and honour the commitment. Pursuant to the undertaking given by the petitioner and also deposit of the said amount, the respondents, especially 2 and 3 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 the above said amount and monthly rent, the respondents are at liberty to evict the petitioner forthwith.

6. With the above direction, this petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

/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.

+One cc to Mr.M.Kannan, Advocate, SR.No.91016

+One cc to Mr.M.Saravanan, Advocate, SR.No.91099

smn

RL/5C/2P/SKN/RSK/SAR1/20/12/2017

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