



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **31.07.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

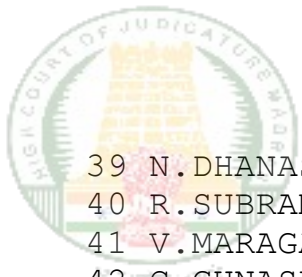
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W.P (MD) Nos.17817 to 17824, 11928 to 11962 and
11582 to 11585 of 2016

and

W.M.P (MD) Nos.12843 to 12850, 9130 to 9164 and
8868 to 8871 of 2016

1	C.LAKSHMIPATHY RAJU	...	Petitioner in WP (MD).	17817/	2016
2	K.BALASUBRAMANIAN	...	Petitioner in WP (MD).	17818/	2016
3	P.MANJULA	...	Petitioner in WP (MD).	17819/	2016
4	A.KRISHNAN	...	Petitioner in WP (MD).	17820/	2016
5	N.GOPAL	...	Petitioner in WP (MD).	17821/	2016
6	G.CHOKKALINGAM	...	Petitioner in WP (MD).	17822/	2016
7	V.BANUMATHI	...	Petitioner in WP (MD).	17823/	2016
8	S.RAMACHANDRAN	...	Petitioner in WP (MD).	17824/	2016
9	G.GANESH	...	Petitioner in WP (MD).	11928/	2016
10	S.SARASWATHI	...	Petitioner in WP (MD).	11929/	2016
11	R.SUNDARESAN	...	Petitioner in WP (MD).	11930/	2016
12	S.USHARANI	...	Petitioner in WP (MD).	11931/	2016
13	A.BALASUBRAMANIAN	...	Petitioner in WP (MD).	11932/	2016
14	C.KANNIAMMAL	...	Petitioner in WP (MD).	11933/	2016
15	NAMAGIRI THAYAR	...	Petitioner in WP (MD).	11934/	2016
16	V.SARATHA	...	Petitioner in WP (MD).	11935/	2016
17	V.PERIYASAMY	...	Petitioner in WP (MD).	11936/	2016
18	A.SENTHILANDAVAR	...	Petitioner in WP (MD).	11937/	2016
19	A.KARUNANITHI	...	Petitioner in WP (MD).	11938/	2016
20	S.ALAGURAJA	...	Petitioner in WP (MD).	11939/	2016
21	S.MUNIAPPAN	...	Petitioner in WP (MD).	11940/	2016
22	B.SURESHBABU	...	Petitioner in WP (MD).	11941/	2016
23	G.KANNAN	...	Petitioner in WP (MD).	11942/	2016
24	C.THANGAVEL	...	Petitioner in WP (MD).	11943/	2016
25	K.BALAMURUGAN	...	Petitioner in WP (MD).	11944/	2016
26	P.KANNAN	...	Petitioner in WP (MD).	11945/	2016
27	K.BAKTHAN	...	Petitioner in WP (MD).	11946/	2016
28	K.GOPALSAMY	...	Petitioner in WP (MD).	11947/	2016
29	R.MARIAPPAN	...	Petitioner in WP (MD).	11948/	2016
30	K.UTHIRAM	...	Petitioner in WP (MD).	11949/	2016
31	A.SAMINATHAN	...	Petitioner in WP (MD).	11950/	2016
32	G.GANESH	...	Petitioner in WP (MD).	11951/	2016
33	P.MANIKANDAN	...	Petitioner in WP (MD).	11952/	2016
34	K.KUMAR	...	Petitioner in WP (MD).	11953/	2016
35	P.PANDIAN	...	Petitioner in WP (MD).	11954/	2016
36	V.PUSHPAVALLI	...	Petitioner in WP (MD).	11955/	2016
37	S.OMNIDHARAN	...	Petitioner in WP (MD).	11956/	2016
38	A.NAGARAJAN	...	Petitioner in WP (MD).	11957/	2016



39 N.DHANASEKARAN ... Petitioner in WP(MD). 11958/ 2016
40 R.SUBRAMANIAN ... Petitioner in WP(MD). 11959/ 2016
41 V.MARAGATHAM ... Petitioner in WP(MD). 11960/ 2016
42 C.GUNASEKARAN ... Petitioner in WP(MD). 11961/ 2016
43 N.SHANMUGAM CHETTIAR ... Petitioner in WP(MD). 11962/ 2016
44 N.S.LAKSHUMANAN ... Petitioner in WP(MD). 11582/ 2016
45 SUBBURAJ ... Petitioner in WP(MD). 11583/ 2016
46 MUTHUKUMAR ... Petitioner in WP(MD). 11584/ 2016
47 G.THIRUGNANA SAMBANDAM ... Petitioner in WP(MD). 11585/ 2016

Vs.

- 1.The Tamil Nadu Government rep. by
The Secretary to Government,
Tourism, Culture and Religious Endowment Department,
Fort St. George, Chennai - 9.
- 2.The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam High Road, Chennai - 34.
- 3.The Joint Commissioner/Executive Officer,
A/m.Dhandayuthapani Swamy Thirukoil,
Palani, Dindigul District. .. Respondents in all WP's

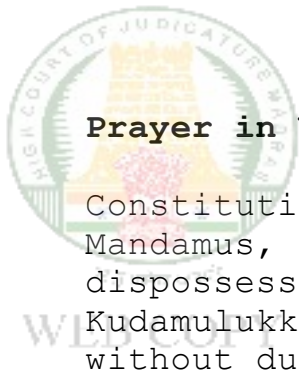
Prayer in WP(MD) 17817/2016: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents from forcibly evicting or dispossessing the petitioner from the shop in Shop Nos.18 and 19, Kudamulukku Ninaivaranga Valagam, North Giri Street, Palani without due process of law.

Prayer in WP(MD). 17818/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from forcibly evicting or dispossessing the petitioner from the shop in shop Nos. 20,21,22,35 and 36, Kudamulukku Ninaivaranga Valagam, North Giri Street, Palani without due process of law .

Prayer in WP(MD). 17819/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from forcibly evicting or dispossessing the petitioner from the shop in Shop No.23, Kudamulukku Ninaivaranga Valagam, North Giri Street, Palani without due process of law.



Prayer in WP(MD) . 17820/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from forcibly evicting or dispossessing the petitioner from the shop in shop No. 25, Kudamulukku Ninaivaranga Valagam, North Giri Street, Palani without due process of law.

Prayer in WP(MD) . 17821/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from forcibly evicting or dispossessing the petitioner from the shop in shop No.4, Sirukudil Shops, North Giri Street, Palani without due process of law .

Prayer in WP(MD) . 17822/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from forcibly evicting or dispossessing the petitioner from the shop in Shop No.4, Velavan Vidhuthi shops, R.F.Road, Palani without due process of law.

Prayer in WP(MD) . 17823/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from forcibly evicting or dispossessing the petitioner from the shop in shop No. 8, Dhandauthapani Nilaya Valagam, North Gate Street, Palani without due process of law.

Prayer in WP(MD) . 17824/ 2016 :

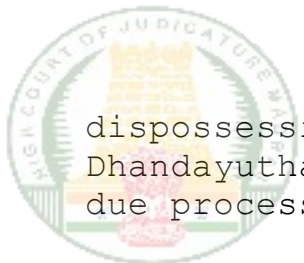
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from forcibly evicting or dispossessing the petitioner from the shop in shop No.2, Dhandayuthapani Nilaya Valagam, North Gate Street, Palani without due process of law .

Prayer in WP(MD) . 11928/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from forcibly evicting or dispossessing the petitioner from the shop in shop no. 12, at Kudamulukku Ninaivaranga Valagam, North Giri street, Palani without due process of law .

Prayer in WP(MD) . 11929/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from forcibly evicting or



dispossessing the petitioner from the Shop in Shop No.1 at Dhandayuthapani Nilaya Valagam, North Giri Street, Palani without due process of law .

Prayer in WP(MD) . 11930/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from forcibly evicting or dispossessing the petitioner from the shop in shop no. 1, at Kudamulukku Ninaivaranga Valagam, North Giri street, Palani without due process of law .

Prayer in WP(MD) . 11931/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from forcibly evicting or dispossessing the petitioner from the Shop in Shop No.3 at Dhandayuthapani Nilaya Valagam, North Giri Street, Palani without due process of law .

Prayer in WP(MD) . 11932/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from forcibly evicting or dispossessing the petitioner from the shop in shop no. 5, at Dhandayuthapani Nilaya Valagam, North Giri street, Palani without due process of law .

Prayer in WP(MD) . 11933/ 2016 :

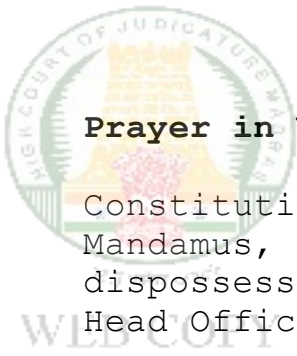
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from forcibly evicting or dispossessing the petitioner from the Shop in Shop No.1 at Kalmandapam, Adivaram, Palani without due process of law .

Prayer in WP(MD) . 11934/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from forcibly evicting or dispossessing the petitioner from the shop in shop no. 30, at Kudamulukku Ninaivaranga Valagam, North Giri street, Palani without due process of law .

Prayer in WP(MD) . 11935/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from forcibly evicting or dispossessing the petitioner from the Shop in Shop No.3 at Kalmandapam, Adivaram, Palani without due process of law .



Prayer in WP(MD). 11936/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from forcibly evicting or dispossessing the petitioner from the shop in shop no. 2, at Old Head Office, Sannathi Road, Palani without due process of law .

Prayer in WP(MD). 11937/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from forcibly evicting or dispossessing the petitioner from the Shop in Shop No.13 at Kudamulukku Ninaivaranga Valagam, North Giri Street, Palani without due process of law.

Prayer in WP(MD). 11938/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from forcibly evicting or dispossessing the petitioner from the shop in shop no. 11, at Dhandayuthapani Nilaya Valagam, North Giri Street, Palani without due process of law .

Prayer in WP(MD). 11939/ 2016 :

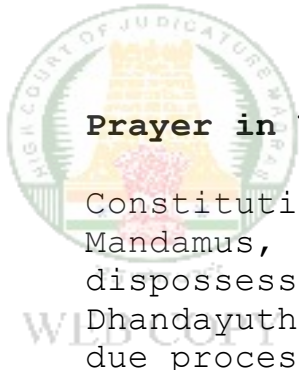
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from forcibly evicting or dispossessing the petitioner from the Shop in Shop No.32 at Kudamulukku Ninaivaranga Valagam, North Giri Street, Palani without due process of law .

Prayer in WP(MD). 11940/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from forcibly evicting or dispossessing the petitioner from the shop in shop no. 12, at Dhandayuthapani Nilaya Valagam, North Giri Street, Palani without due process of law .

Prayer in WP(MD). 11941/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from forcibly evicting or dispossessing the petitioner from the Shop in Shop No.9 at Dhandayuthapani Nilaya Valagam, North Giri Street, Palani without due process of law .



Prayer in WP(MD). 11942/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from forcibly evicting or dispossessing the petitioner from the shop in shop no. 4, at Dhandayuthapani Nilaya Valagam, North Giri Street, Palani without due process of law .

Prayer in WP(MD). 11943/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from forcibly evicting or dispossessing the petitioner from the Shop in Shop No.2 at Kalmandapam, Adivaram, Palani without due process of law .

Prayer in WP(MD). 11944/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from forcibly evicting or dispossessing the petitioner from the shop in shop no. 34, at Kudamaulukku Ninaivaranga Valagam, North Giri Street, Palani without due process of law .

Prayer in WP(MD). 11945/ 2016 :

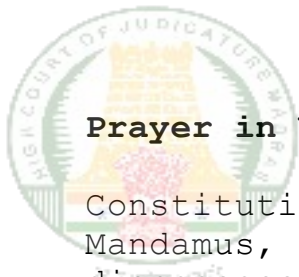
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from forcibly evicting or dispossessing the petitioner from the Shop in Shop No.7 at Dhandayuthapani Nilaya Valagam, North Giri Street, Palani without due process of law .

Prayer in WP(MD). 11946/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from forcibly evicting or dispossessing the petitioner from the shop in shop no. 6, at Dhandayuthapani Nilaya Valagam, North Giri Street, Palani without due process of law .

Prayer in WP(MD). 11947/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from forcibly evicting or dispossessing the petitioner from the Shop in Shop No.6 at Kudamulukku Ninaivaranga Valagam, North Giri Street, Palani without due process of law .

**Prayer in WP(MD). 11948/ 2016 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from forcibly evicting or dispossessing the petitioner from the shop in shop no. 4, at Kudamulukku Ninaivaranga Valagam, North Giri Street, Palani without due process of law .

Prayer in WP(MD). 11949/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from forcibly evicting or dispossessing the petitioner from the Shop in Shop Nos. 2 and 3 at Kudamulukku Ninaivaranga Valagam, North Giri Street, Palani without due process of law .

Prayer in WP(MD). 11950/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from forcibly evicting or dispossessing the petitioner from the shop in shop no. 14, at Kudamulukku Ninaivaranga Valagam, North Giri Street, Palani without due process of law.

Prayer in WP(MD). 11951/ 2016 :

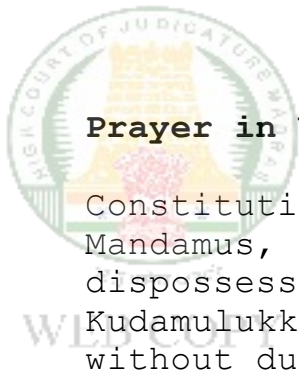
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from forcibly evicting or dispossessing the petitioner from the Shop in Shop No28, at Kudamulukku Ninaivaranga Valagam, North Giri Street, Palani without due process of law .

Prayer in WP(MD). 11952/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from forcibly evicting or dispossessing the petitioner from the shop in shop no. 3, at Old Head Office, Sannathi Road, Palani without due process of law .

Prayer in WP(MD). 11953/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from forcibly evicting or dispossessing the petitioner from the Shop in Shop No. 33, at Kudamulukku Ninaivaranga Valagam, North Giri Street, Palani without due process of law .



Prayer in WP(MD). 11954/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from forcibly evicting or dispossessing the petitioner from the shop in shop no. 29, at Kudamulukku Ninaivaranga Valagam, North Giri Street, Palani without due process of law .

Prayer in WP(MD). 11955/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from forcibly evicting or dispossessing the petitioner from the Shop in Shop No.7, at Mangammal Mandapam, Adivaram, Palani without due process of law .

Prayer in WP(MD). 11956/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from forcibly evicting or dispossessing the petitioner from the shop in shop no. 5, at Kudamulukku Ninaivaranga Valagam, North Giri Street, Palani without due process of law .

Prayer in WP(MD). 11957/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from forcibly evicting or dispossessing the petitioner from the Shop in Shop Nos.4, 5 & 6, at Mangammal Mandapam, Adivaram, Palani without due process of law.

Prayer in WP(MD). 11958/ 2016 :

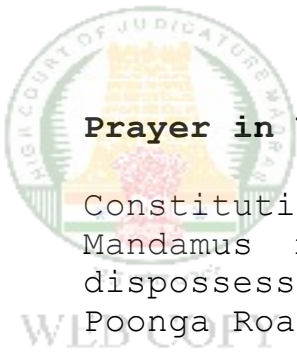
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from forcibly evicting or dispossessing the petitioner from the shop in shop nos. 1 & 2, at Mangammal Mandapam, Adivaram, Palani without due process of law .

Prayer in WP(MD). 11959/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from forcibly evicting or dispossessing the petitioner from the Shop in Shop No. 5 at , Poonga Road, Palani without due process of law .

Prayer in WP(MD). 11960/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from forcibly evicting or dispossessing the petitioner from the shop in shop nos. 3 & 4, at Poonga Road, Palani without due process of law .



Prayer in WP(MD). 11961/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from forcibly evicting or dispossessing the petitioner from the Shop in Shop No. 2 at , Poonga Road, Palani without due process of law .

Prayer in WP(MD). 11962/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from forcibly evicting or dispossessing the petitioner from the shop in shop No. 1, at Poonga Road, Palani without due process of law .

Prayer in WP(MD). 11582/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from forcibly evicting or dispossessing the petitioner from the Shop in Door No.2, Palayam Vinayagar Koil Complex, Palani without due process of law.

Prayer in WP(MD). 11583/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from forcibly evicting or dispossessing the petitioner from the Shop in Door No.3, Palayam Vinayagar Koil Complex, Palani without due process of law.

Prayer in WP(MD). 11584/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from forcibly evicting or dispossessing the petitioner from the shop in Door No.1, Palayam Vinayagar Koil Complex, Palani without due process of law.

Prayer in WP(MD). 11585/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from forcibly evicting or dispossessing the petitioner from the Shop in Door No.3 , 4 and 5 (Mattan Thambiran Temple) No. 130, Gandhi Road, Palani without due process of law.

For Petitioner in all WP's : Mr.M.R.S.Prabhu

For Respondents 1 and 2
in all WP's

: Mr.M.Alagadevan,
Special Government Pleader.

<https://hcservices.ecourts.gov.in/hcservices/>
For Respondent No.3
in all WP's

: Mr.K.Govindarajan

**COMMON ORDER**

These writ petitions are filed seeking a writ of Mandamus to direct the respondents not to evict them from the shops leased out to them, situate in and around Dhandayuthapani Swamy Thirukoil, Palani, Dindigul District, without due process of law.

2.The case of the petitioners is that the petitioners are lessees under the third respondent and they are running shops in the properties leased out by the third respondent in and around Dhandayuthapani Swamy Thirukoil, Palani, Dindigul District. The petitioners are paying monthly rent to the third respondent regularly. Since, the third respondent issued auction notification, dated 28.04.2015, in respect of the said shops, they filed W.P(MD)No.7926 of 2015 and batch and the same were allowed, against which, appeals have been preferred and the same were allowed, observing that the petitioners have no cause of action to challenge the auction notification and there was no real threat of eviction. During pendency of the said appeals, the third respondent enhanced the rent several times from 01.07.2015. Therefore, the petitioners gave representations to the third respondent and the same were rejected, against which, appeals were filed and the second respondent dismissed the same. Challenging the said dismissal orders of the second respondent, the petitioners filed separate appeals before the first respondent. During pendency of the same, the third respondent tried to evict them from the shops for non-payment of enhanced rent. Therefore, these writ petitions have been filed for getting the relief sought for therein.

3.The third respondent filed counter affidavit in W.P(MD) Nos.11582 to 11585 of 2016 refuting the claim of the petitioners therein and prayed for the dismissal of the writ petitions.

4.Since the issue involved in all these writ petitions, is one and the same, they are taken up for hearing together and disposed of by this common order.

5.Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioners would submit that appeals filed against the dismissal orders passed in R.P.Nos.158 to 177/2015, 10 to 78, 86, 90, 91, 92 and 99/2016, dated 28.03.2016 and 30.03.2016, by the second respondent, are pending before the first respondent.

6.Considering the said submission made on the side of the petitioners, this Court, without going into the merits of the petitioners' claim, directs the first respondent to consider the appeals filed by the petitioners and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of being heard to the petitioners individually, within a period of six weeks from the date of receipt of a copy of this order.



7. These writ petitions are disposed of as above. No costs. Consequently, connected Miscellaneous Petitions are closed.

WEB COPY

Sd/-
Assistant Registrar(co)

/Truecopy/

SubAssistantRegistrar

To

1. The Secretary to Government,
Tourism, Culture and Religious Endowment Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 9.

2. The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam High Road, Chennai - 34.

3. The Joint Commissioner/Executive Officer,
A/m.Dhandayuthapani Swamy Thirukoil,
Palani, Dindigul District.

+1cc to M/S.M.R.S.PRABHU, Advocate SR.No.68941

+1cc to M/S.K.GOVINDARAJAN, Advocate SR.No.69204

+1cc to Special Government Pleader, SR.No.69708

smn

MAS/SKN-RSK/SAR2:16.08.2017:11P-7C

COMMON ORDER MADE IN
W.P(MD)Nos.17817 to 17824, 11928 to 11962 and
11582 to 11585 of 2016
and
W.M.P(MD)Nos.12843 to 12850, 9130 to 9164 and
8868 to 8871 of 2016
31.07.2017