

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.4205 of 2014
and
M.P.No.1 of 2014

A.U.Nandagopal

...Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious Endowment Department
Vellore 09.

2.Arulmigu Seetharama Anchaneya
Swamy Temple, Rep.by its
Executive Officer,
Santhapet, Gudiyatham 632 602
Vellore District.

...Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records in notice of the second respondent dated 05.02.2014 and to quash the same.

For Petitioner : Mr.V.M.G.Ramakkannan

For Respondents : Mr.M.Maharaja
Special Government Pleader

O R D E R

This writ petition has been filed challenging the eviction notice issued by the second respondent/Executive Officer.

2. The grievance of the petitioner is that the petitioner is a tenant in the temple premises and the lease period expired on 29.05.2016, he has been paying the lease amount to the temple. Now, all of a sudden, without following the procedure contemplated under the Tamil Nadu Buildings (Lease and Rent Control) Act, the second respondent/Executive Officer has directed the petitioner to vacate the premises within a period

of 30 days. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that without terminating the lease under Section 34(B) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, and with following the procedure contemplated under Sections 78 and 79 of the Act, the second respondent issued a notice directing the petitioner to vacate premises within a period of 30 days, in total violation of mandatory requirements under the Act.

4. The second respondent has filed a counter affidavit stating that now renovation works are going on in the temple, the respondent temple requires that property for putting the pandal during festival. In the said situation, the respondent issued the impugned notice to hand over the possession for bonafide purpose. The respondent also submitted that now, the lease period has expired during the pendency of the writ petition in the year 2016, and the petitioner is also not paying the rent regularly. As the lease period was over, in the year 2016, the respondent is at liberty to take necessary steps to evict the petitioner.

5. I have considered rival submission, since the lease period has expired, the respondent is at liberty to evict the petitioner after following due process of law, and they cannot evict the petitioner by issuing notice without following procedure contemplated under the Act. In the said circumstances, the impugned notice is set aside. However, the respondent is at liberty to initiate fresh proceedings for eviction of the petitioner by following due process of law.

6. Accordingly, this writ petition is allowed. No costs. Consequently, connected Miscellaneous Petition is also closed.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

dna

To

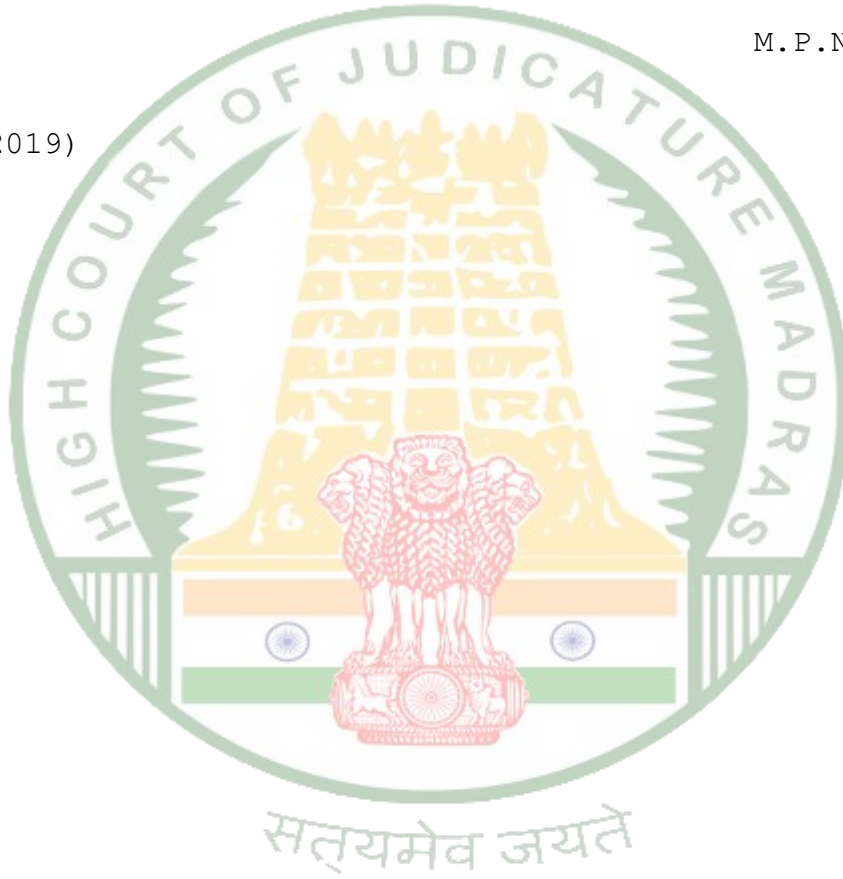
1.The Joint Commissioner,
Hindu Religious Endowment Department
Vellore 09.

2. The Executive Officer,
Arulmigu Seetharama Anchaneya
Swamy Temple
Santhapet, Gudiyatham 632 602
Vellore District.

+1 CC to Mr.V.M.G.Ramakkannan, Advocate sr 80868.
+1 CC to The Spl. Govt. Pleader sr 80973.

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and
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BR(CO)
SP(21/02/2019)



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