

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.16415 to 16420 of 2018
and W.M.P.Nos.19564 to 19573, 19653 of 2018

Gunasekaran .. Petitioner in W.P.No.16415/2018
Rajendiran .. Petitioner in W.P.No.16416/2018
Thiyagarajan .. Petitioner in W.P.No.16417/2018
John Basha .. Petitioner in W.P.No.16418/2018
1.Rajendiran .. Petitioners in W.P.No.16419/2018
2.Bhadmanaban .. Petitioner in W.P.No.16420/2018
Vasanth

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai - 600 034.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Villupuram District.
- 3.The Executive Officer,
Arulmigu Virurdhagreeswarar Temple,
Vriddhachalam Temple,
Cuddalore District - 606 001. ... Respondents in all W.Ps

Petitions under Article 226 of the Constitution of India,
praying for the issue of a Writ of certiorari calling for the
records relating to the notices dated 03.04.2018, 02.04.2018 of
the 3rd respondent and quash the same.

For Petitioners : Mrs.AL.Gandhimathi
For Respondents : Mr.M.Maharaja,
Special Government Pleader

COMMON ORDER

These Writ Petitions have been filed seeking to quash the
notices dated 03.04.2018, 02.04.2018 of the 3rd respondent
directing the petitioners to evict and hand over the shop
portions in question on the ground that the petitioners were
defaulters and not paid the arrears of rent of Rs.11,280/-,
Rs.14,448/-, Rs.11,640/-, Rs.11,040/-, Rs.11,800/- and
Rs.5,760/-.

2.Assailing the impugned notices on the ground of non-application of mind, the learned counsel for the petitioners submitted that the petitioners have been given lease of the shops for running Bangle Shop, Bunk Shop, Hair Beauty Shop, Watch Shop for monthly rent of Rs.120/-. Subsequently, the rent was enhanced to Rs.600/- with effect from 01.07.2016. The petitioners have been paying Rs.120/- and the rent has been enhanced to Rs.600/- with effect from 01.07.2016. The enhanced rent has been fixed without any notice to the petitioners and hence, they are unaware of the enhanced monthly rent. However, after receipt of the notices, even that disputed enhanced rents of Rs.11,280/-, Rs.14,448/-, Rs.11,640/-, Rs.11,040/-, Rs.11,800/- and Rs.5,760/- were cleared on 09.04.2018, 30.04.2018, 18.04.2018, 09.04.2018, 07.05.2018 and 10.04.2018 respectively by the petitioners. Therefore, the eviction notices issued against the petitioners on the ground of willful default have become infructuous as there are no arrears of rent or willful default.

3.It is at this stage, the learned Special Government Pleader appearing for the respondents submitted that since the petitioners have paid and cleared the arrears of rent, the impugned notices may be set aside and liberty may be given to the respondents to proceed against them, if there is any new cause of action or new ground to proceed against the petitioners to evict them for own use.

4.As the petitioners have cleared the arrears of rent on 09.04.2018, 30.04.2018, 18.04.2018, 09.04.2018, 07.05.2018 and 10.04.2018 viz., the enhanced monthly rent of Rs.600/- with effect from 01.07.2016, the impugned notices sent on the ground of willful default are no longer in existence and the same are set aside. Liberty is given to the respondents to issue fresh notices in the manner known to law.

5.In the result, all the Writ Petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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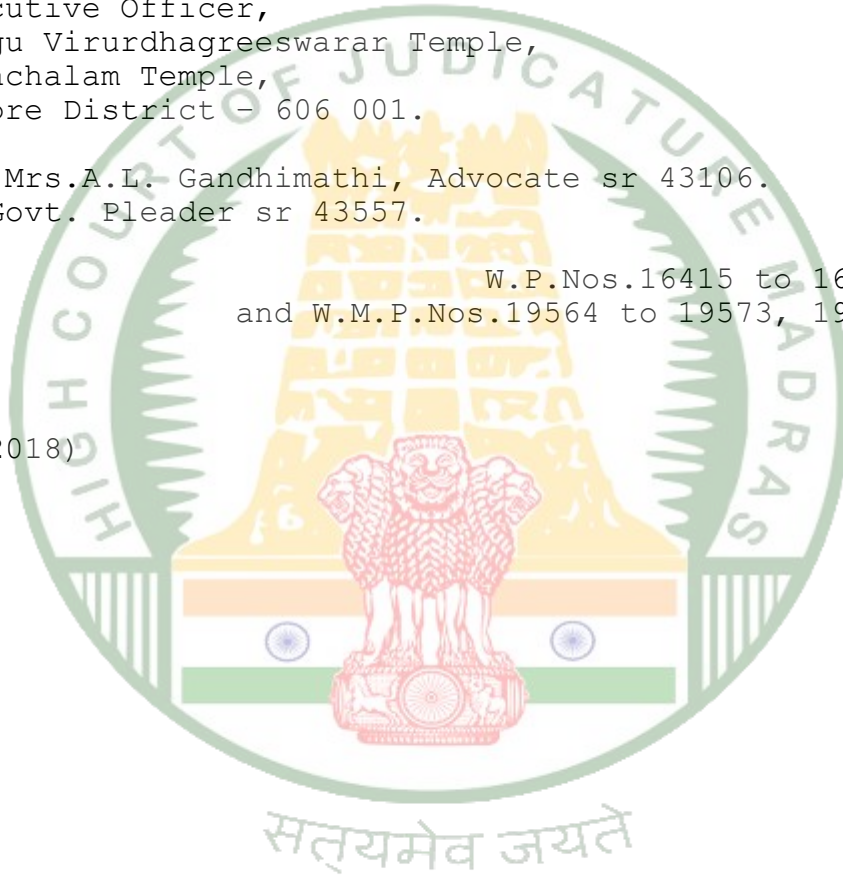
To

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Arulmigu Virurdhagreeswarar Temple,
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Cuddalore District - 606 001.

+6 Ccs to Mrs.A.L. Gandhimathi, Advocate sr 43106.
+1 cC to Govt. Pleader sr 43557.

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SP(13/07/2018)



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