

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.08.2019

CORAM:

THE HON'BLE MR. JUSTICE P.D.AUDIKEVALU

W.P. No.24696 of 2019

Varadharajan

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable
Endowment Board, Chennai.
 2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Board, Tiruchirappalli.
 3. The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Board, Ariyalur.
 4. The Executive Officer,
Arul Mugu Poomalai Sanjeevi Rayar
and Veetrintha Perumal Thiru Kovilgal,
Padalur, Chettikulam Post,
Alathur Taluk, Perambalur District.
- Respondents

Prayer:- Writ petition filed under Article 226 of Constitution of India, seeking for a Writ of Certiorarified Mandamus to call for the records of the Fourth Respondent notice dated 25.04.2018 and quash the same as illegal and forbearing the Respondents from evicting the Petitioner from the shop occupied by the Petitioner in Padalur Village S.F. No.230/5.

For Petitioner : Mr.S.Muthukrishnan
For Respondents : Mr.M.Maharaja,
Special Government Pleader

O R D E R

Heard Mr. S. Muthukrishnan, Learned Counsel appearing for the Petitioner, Mr. M. Maharaja, Learned Special Government Pleader, who takes notice for the Respondents, and perused the

materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed challenging the notice dated 25.04.2018 calling upon the Petitioner to pay rental arrears, which is aggregating to a sum of Rs.2,10,240/- and to forbear the Respondents from evicting the Petitioner from the shop in S.F. No. 230/5 in Padalur Village occupied by him.

3. Learned Special Government Pleader appearing for the Respondents, on instructions, states that the rental arrears demanded in the impugned notice was pursuant to the order dated 12.02.2018 in W.P. Nos. 14428 and 16833 of 2017 passed by this Court and as the Petitioner has failed to pay the same, proceedings for his eviction from that property has been initiated under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, for which notice of enquiry had been sent to him for his appearance at 3.00 p.m. on 22.07.2019 and the copy of the same has been produced before this Court, though the Learned Counsel for the Petitioner dispute its receipt.

4. It is further contended by the Learned Special Government Pleader appearing for the Respondents that it was only after the commencement of eviction proceedings, the Petitioner has chosen to challenge the notice dated 25.04.2018 demanding the arrears of rent. However, on instructions, it is informed by the Learned Special Government Pleader that the next hearing of the enquiry has been fixed on 16.09.2019. Learned Counsel for the Petitioner submits the Petitioner would attend the same.

5. Having regard to the aforesaid proceedings that have been commenced against the Petitioner under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, it is open to the Petitioner to place all the objections that have been raised by him in the Writ Petition regarding the fixation of the enhanced amount of rent before the Second Respondent. The Second Respondent after affording full opportunity of hearing to all parties concerned, shall consider each of their contentions and pass reasoned orders on merits and in accordance with law and communicate the decision to the Petitioner and other parties. It is made clear that no view has been expressed by this Court on the entitlement or correctness of the claim made by the Petitioner in this regard.

6. The Writ Petition is disposed on the aforesaid terms. No costs.

Sd/-
Assistant Registrar (Insp.Cell)

//True Copy//

Sub Assistant Registrar

rkp/kv

To

1. The Commissioner,
Hindu Religious and Charitable
Endowment Board, Chennai.
2. The Joint Commissioner,
Hindu Religious and Charitable
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Padalur, Chettikulam Post,
Alathur Taluk, Perambalur District.

+1 cc to M/s.S.Muthukrishnan, Advocate, S.R.No.72192

+1 cc to the Government Pleader, S.R.No.72877

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RSV(CO)
SSM(16/10/2019)

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