



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P(MD)No.21444 of 2019

and

W.M.P.(MD)No.18114 of 2019

Abdullah

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable
Endowment Department, Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Thiruvanaikovil, Trichy - 5.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department, Pudukottai.
- 4.The Executive Officer,
Arulmighu Veeramakaliamman Temple,
Aranthangi,
Pudukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus, to call for the records pertaining to the impugned order dated 26.02.2019 passed by the second respondent in miscellaneous petition No.93 of 2018 and quash the same as illegal, consequently directing the respondents to permit the petitioner to continue as lessee in respect of the land measuring about 3357.33 sq. feet comprised in Old Survey No.15, New Survey No.21/16 at Sannathivayal Village, Aranthangi Taluk, Pudukottai District.

For Petitioner : Mr.T.Lenin Kumar

For R1 to R3 : Mr.V.R.Shanmuganathan,
Special Government Pleader.

For R4 : Mr.G.Mathavan

ORDER

This Writ Petition has been filed as against the order dated 26.02.2019 passed by the second respondent in miscellaneous petition No.93 of 2018 and consequently, to direct the respondents to permit



the petitioner to continue as lessee in respect of the land measuring about 3357.33 sq. feet comprised in Old Survey No.15, New Survey No.21/16 at Sannathivayal Village, Aranthangi Taluk, Pudukottai District.

2.The petitioner is running a shop in a land belonging to the HR & CE Department measuring an extent about 3357.33 sq. feet comprised in Old Survey No.15, New Survey No.21/16 at Sannathivayal Village, Aranthangi Taluk, Pudukottai District.

3.The second respondent has initiated an eviction proceedings under Section 78 (2) of the HR & CE Act. In the process of execution, the respondent has sealed and locked the shop premises occupied by the petitioner and a demand was made to the tune of Rs.13,83,757/-. Since he has not paid that amount, shop was locked and sealed.

4.Now that as per the direction of this Court, the petitioner has deposited a sum of Rs.13 lakhs to show his bonafides. He has also produced a receipt to that effect.

5.Now that the learned counsel for the petitioner submits that he will prefer an appeal before the Commissioner of HR & CE Department, challenging the order passed under Section 78(2) of the HR & CE Act.

6.Considering the submissions made on either side, the petitioner is permitted to file an appeal before the Commissioner of HR & CE Department with all statutory requirements within a period of two weeks from the date of receipt of a copy of this order, subject to the condition that he clears all the rental arrears as of today and continue to pay the fair rent till the date of disposal of appeal.

7.In view of the compliance, a direction is given to the respondent to remove the lock and seal and permit the petitioner to occupy the premises till disposal of the appeal to be filed before the Commissioner.

8.This Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

Sub Assistant Registrar(CS)



To

- 1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Thiruvanaikovil, Trichy - 5.
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Hindu Religious and Charitable
Endowment Department,
Pudukottai.
- 4.The Executive Officer,
Arulmighu Veeramakaliamman Temple,
Aranthangi,
Pudukottai District.

+1CC TO MR.T.LENIN KUMAR, Advocate Sr. No.93978
+1CC TO MR.G.MATHAVAN, Advocate Sr. No. 94165

W.P (MD) No.21444 of 2019
and
W.M.P. (MD) No.18114 of 2019
23.10.2019

SRK(CO)
TR(24.10.2019) 3P 7C