



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.12108 of 2020

and

W.M.P. (MD)Nos.10421 & 10424 of 2020

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K.Muthukrishnan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Principal Secretary,
Department of Hindu Religious
and Charitable Endowment,
Fort St.George, Secretariat,
Chennai-9.

2.The Commissioner,
Department of Hindu Religious
and Charitable Endowment,
No.119, Nungampakkam Highways,
Chennai-34.

3.The Joint Commissioner,
Department of Hindu Religious
and Charitable Endowment,
Ellis Nagar,
Madurai 16.

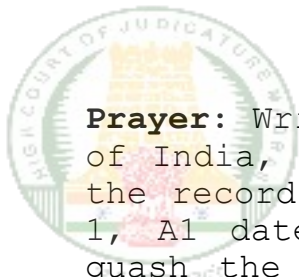
4.The Assistant Commissioner,
Department of Hindu Religious
and Charitable Endowment,
Ellis Nagar,
Madurai 16.

5.The Hereditary Trustee,
Sri Arulmigu Raja Rajeswari Thandumariamman Temple,
35, Nethaji Road,
Madurai-1.

6.The Tahsildar,
Madurai South Taluk,
Madurai District.

7.The Inspector of Police,
Thidir Nagar Police Station,
Madurai City,
Madurai 625 001.

... Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.2443/2017-1, A1 dated 09.09.2020 on the file of the fourth respondent and quash the same as illegal and consequently, to issue a direction forbearing the respondents from vacating the petitioner's flour mill namely M.K.C.Mavu Mill, situated at Door No.255A, Nethaji Road, Madurai City-1, till the disposal of the Appeal preferred by the petitioner dated 22.06.2020 under Section 114 of HR & CE Act, 1959 pending before the first respondent.

For Petitioner	:	Mr.I.Pinaygash
For R1 to R4, R6 & R7	:	Mr.K.P.Narayanakumar Special Government Pleader
For R5	:	Mr.C.Gunaseela Rupan

O R D E R

Head the learned counsel on either side.

2.With the consent of learned counsel on either side, the writ petition is taken up for final disposal at the stage of admission.

3.The petitioner is a tenant under the respondent temple. The petitioner claims that he is paying the rent regularly.

4.But it is seen from the submission of the learned standing counsel for the temple that the petitioner is paying only at the old rate and not as per the revised rate.

5. In any event, that is not the subject matter of adjudication before me. The petitioner had suffered an adverse order of eviction at the hands of the authorities. He has now filed review before the Government. It is still pending. When the petitioner is yet to exhaust his statutory remedy, he ought not to be evicted. Therefore, the impugned eviction proceedings are put on hold and they will abide by the outcome of the revision/review before the first respondent. The learned Special Government Pleader is directed to communicate this order to the fourth respondent, because the petitioner's counsel states that there is a proposal to evict the petitioner tomorrow itself. At the same time, in order to balance the rights of the parties, I direct the first respondent to dispose of the petitioner's petition mentioned review within a period of sixteen weeks from the date of receipt of a copy of this order on merits and in accordance with law. I make it clear that I have not gone into the merits of the matter.



6.The Writ Petition is disposed of on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Principal Secretary,
Department of Hindu Religious and Charitable Endowment,
Fort St.George, Secretariat,Chennai-9.
- 2.The Commissioner,
Department of Hindu Religious and Charitable Endowment,
No.119, Nungampakkam Highways,Chennai-34.
- 3.The Joint Commissioner,
Department of Hindu Religious and Charitable Endowment,
Ellis Nagar,Madurai 16.
- 4.The Assistant Commissioner,
Department of Hindu Religious and Charitable Endowment,
Ellis Nagar,Madurai 16.
- 5.The Tahsildar, Madurai South Taluk,Madurai District.
- 6.The Inspector of Police,
Thidir Nagar Police Station,
Madurai City,Madurai 625 001.

+1 CC to M/s.GP (SR-17730[F] dated 22/09/2020)

W.P. (MD)No.12108 of 2020

21.09.2020

SCR(CO)

AP(05/10/2020) 3P 8C

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