



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 20.07.2020**

**CORAM:**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P. (MD)No.5573 of 2017**

**and**

**W.M.P. (MD)Nos.4459 and 4460 of 2017**

WEB COPY

B.R.Jawaharlal

... Petitioner

Vs

1.The Joint Commissioner,  
HR & CE Department,  
Madurai.

2.The Assistant Commissioner/Executive Officer,  
Arulmigu Koodalalagar Thirukoil,  
Madurai.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pursuant to the impugned order of the 2<sup>nd</sup> respondent in Na.Ka.No.562/2016/A4 dated 07.03.2017 and quash the same and consequently direct the 2<sup>nd</sup> respondent herein to permit the petitioner to continue his tenancy in Shop No.11A/1 in Veera Ragava Perumal Temple Building.

For Petitioner : Mr.Porkodi Karnan  
For M/s.Polax Legal Solutions

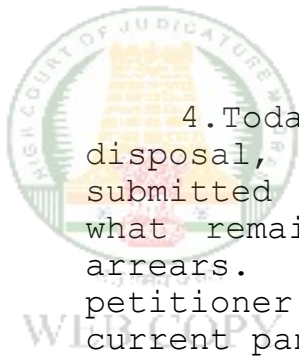
For Respondents : Mr.V.R.Shanmuganathan  
Special Government Pleader for R1  
Mr.S.Manohar for R2

### **O R D E R**

Heard the learned counsel on either side.

2.The petitioner is a tenant occupying the premises belonging to the second respondent/temple. The second respondent vide the impugned order dated 07.03.2017 informed the petitioner that since the petitioner has not paid the rental arrears, it is proposed to evict the petitioner. The same was put to challenge in this writ petition.

3.This Court had passed an interim order on 21.09.2017 in favour of the petitioner on condition that the petitioner shall remit the entire arrears, as claimed in the demand notice on or before 06.10.2017. If the petitioner fails to adhere to the said condition, it is open to the authorities to take appropriate action to evict the petitioner.



4.Today i.e.,20.07.2020, when the matter was taken up for final disposal, the learned counsel appearing for the petitioner had submitted that the petitioner had cleared the rental arrears and what remains to be paid is only the last three months rental arrears. The petitioner's counsel further states that the petitioner could not pay the monthly rentals on account of the current pandemic times.

5.Even according to the learned standing counsel, the arrears of the petitioner would come to only Rs.19,857/-. I find that the stand taken by the petitioner's counsel and the stand taken by the learned standing counsel are not at variance with each other.

6.Recording the aforesaid developments, the writ petition stands closed as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// 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 Joint Commissioner,  
HR & CE Department,  
Madurai.
- 2.The Assistant Commissioner/Executive Officer,  
Arulmigu Koodalalagar Thirukoil,  
Madurai.

**W. P. (MD)No.5573 of 2017**

**20.07.2020**

SPU(27.07.2020) 2P 3C