



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.12.2021

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THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.19834 of 2017

and

W.M.P.Nos.21405 & 21406 of 2017

1. Syed Irfanulla Hussainy,
CSI Church Complex Door.No.176/371,
Bangalore Road,
Krishnagiri - 635 001.
 2. G. Anbalagan,
CSI Church Complex Door.No.190/368,
Bangalore Road,
Krishnagiri - 635 001.
 3. R. Janarthanan,
CSI Church Complex Door.No.180/369,
Bangalore Road, Krishnagiri - 635 001.
 4. H. M. Manoharan,
CSI Church Complex Door.No.170/374,
Bangalore Road,
Krishnagiri - 635 001.
 5. A. Mani,
CSI Church Complex Door.No.168/375,
Bangalore Road, Krishnagiri - 635 001.
 6. K. Vijayakumar,
CSI Church Complex Door.No.172/373,
Bangalore Road,
Krishnagiri - 635 001.
 7. J. Ambrose,
CSI Church Complex Door.No.192/368,
Bangalore Road,
Krishnagiri - 635 001.
- ... Petitioners

Vs.



1.The District Collector,
Bangalore Road,
Krishnagiri - 635 115.

2.The Commissioner,
Krishnagiri Municipality Office,
Krishnagiri.

3.Revenue Divisional Officer,
Revenue Divisional Office,
Krishnagiri.

4.Assistant Engineer,
Public Works Department,
Krishnagiri - 635 002.

5.The C.S.I. Christ Church,
Krishnagiri Pastorate,
Rep.by its Chairman,
Door No.367, Bangalore Road,
Krishnagiri.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to forebear from taking any coercive steps to evict the petitioners from their respective shops in the CSI Church Complex, Bangalore Road, Krishnagiri on the basis of any stability certificate issued by the 4th respondent herein without following the due process of law.

For Petitioner : Mr.K.Venkatasubban

For Respondents : Mrs.Meera Arumugam,
Additional Government Pleader
for R1, R3 & R4
Mr.K.J.Parthasarathy for R5

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents to forebear from taking any coercive steps to evict the petitioners from their respective shops in the CSI Church Complex, Bangalore Road, Krishnagiri on the basis of any stability certificate issued by the 4th respondent herein without following the due process of law.



2. The case of the petitioners is that they have taken shops for rent in the Complex known as CSI Church Complex, Krishnagiri, nearly 25 years back. All of them are carrying their business in the same shops and they are paying rents without any default. Initially rents were given to the CSI Coimbatore Diocese Administrative Committee and thereafter, legal notice was issued by the 5th respondent to pay the rents to them. Without knowing the same, the petitioners have paid the rent up to July 2012 to the CSI Coimbatore Diocese and after receiving the notice, the petitioners have attempted to pay rent to the 5th respondent but the 5th respondent refused to receive the same. Hence, the petitioners constrained to file R.C.O.P.Nos.8 to 15 of 2012 before the Rent Controller, Krishnagiri, for depositing the rent before the Court and the same was allowed on 22.06.2015 and rents are being deposited in the Court till date. In this background, the 5th respondent herein filed Eviction Petitions in H.R.C.O.P.Nos.4 to 10 of 2015, H.R.C.O.P.No.1 of 2016 and H.R.C.O.P.No.4 of 2013, on the ground of willful default and owners occupation and the same were dismissed. Against the said orders and as well as the dismissal of the H.R.C.O.Ps filed by the 5th respondent, no appeal has been filed till date. Under these circumstances, the 5th respondent by taking help of the respondents 1 to 4 and by one K.M.Daniel Chakrawarthy, who is the State President of Minority Consumer Welfare Protection Association, trying to evict the petitioners under the pretext of the stability of the building. It is the further contention of the petitioners that when the 5th respondent filed the Eviction Petition, there was no ground stating that the petition was filed for stability of the building and they are going to demolish the said building. Therefore, the respondents are making all attempts to evict the petitioners, without due process of law. Hence, the petitioners are constrained to move the present writ petition.

3. Per contra, the learned counsel appearing for the respondents would submit that the said complex building is constructed some 30 years back and now there are lot of cracks on the walls of the shops. The Executive Engineer also inspected the said premises and stated that said building is not strong and floor is weak. The learned counsel further submits that in the event if there are any eviction proceedings based on the stability, they would follow the due process of law and accordingly they will evict the petitioners.

4. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondents and perused the materials available on record.



5. In view of the above submissions, the Respondents 1 to 5 are directed not to evict the petitioners, without following the due process of law.

6. With the above direction, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Bangalore Road,
Krishnagiri - 635 115.
- 2.The Commissioner,
Krishnagiri Municipality Office,
Krishnagiri.
- 3.Revenue Divisional Officer,
Revenue Divisional Office,
Krishnagiri.
- 4.Assistant Engineer,
Public Works Department,
Krishnagiri - 635 002.
- 5.The Chairman,
C.S.I. Christ Church,
Krishnagiri Pastorate,
Door No.367, Bangalore Road,
Krishnagiri.

+1cc to Mr.K.J.Parthasarathy, Advocate SR.No.62834
+1cc to Mr.Sarvabhuman Associates, Advocate SR.No.62449
+1cc to the Government Pleader SR.No.63446

W.P.No.19834 of 2017
and
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KG(CO)
GN(17/12/2021)