



WEB COPY



Writ Petition No.26941 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 3/1/2023

C O R A M

THE HONOURABLE Mr.JUSTICE N. SATHISH KUMAR

Writ Petition No.26941 of 2022

a n d

W.M.P.No.26148 of 2022

P. Kannan

...

Petitioner

Vs

1. The Commissioner
Hindu Religious and Charitable Endowment Department
119 Uthamar Gandhi Road
Nungambakkam
Chennai 600 034.
2. The Joint Commissioner
Hindu Religious and Charitable Endowment Department
Myladuthurai
Myladuthurai District.
3. The Assistant Commissioner
Hindu Religious and Charitable Endowment Department
Myladuthurai 609 001
Myladuthurai District.
4. The Executive Officer
Arulmigu Manmatheeswarar Thirukoil
Kuttalam Taluk
Myladuthurai District 609 801. ... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the records of the impugned order of the third respondent in Na.Ka.No.3834/2022-1/A1 dated 16/9/2022 and quash the same.

For Petitioner ... Mr.U.Kathiravan

For respondents ... Mr.Bindran
Additional Government Pleader
for R.R.1 to 3.

Mr.S.Surya
for M/s.A.S.Kailasam Associates
for R.4.

ORDER

This writ petition has been filed to quash the order, dated 16/9/2022, of the third respondent, in Na.Ka.No.3834/2022-1/A1.

2. The case of the petitioner is that notice, dated 16/9/2022 in Na.Ka.No.3834/2022/A1 has been issued by the third respondent to quit and deliver vacant possession of the property in S.No.176/2 at No.14 Mela Chetty Theru, Kuthalam, for an extent of 3875 sq.feet, on or before 12/10/2022, failing which eviction proceedings will be initiated. Being aggrieved, petitioner has come forward with the instant writ petition.



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3. Heard Mr.U.Kathiravan, learned counsel for the petitioner, Mr.M.Bindran, learned Additional Government Pleader for the respondents 1 to 3 and Mr.S.Surya, learned counsel for the fourth respondent.

4. In a connected writ petition i.e., in W.P.No.7552 of 2021, this Court had granted time to the petitioner to pay 50% of the arrears of fair rent, within a period of one month, from 3/1/2023. Once the petitioner had agreed to pay 50% of the arrears amount, and he is permitted to file an appeal, question of eviction does not arise at all at this stage.

5. Accordingly, this writ petition is closed, as nothing survives for further adjudication. No costs. Consequently, the connected Miscellaneous Petition is closed.

3/1/2023

Index : Yes / No

Internet: Yes

Speaking/non speaking order

mvs.



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N. SATHISH KUMAR, J

mvs.

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