



WEB COPY



W.P.No.26567 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.09.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.26567 of 2023
and
W.M.P.No.25978 of 2023

N. Mathivaanan

...Petitioner

Vs.

1. The Joint Commissioner / Executive Officer,
Arulmigu Kapaliswarar Temple,
12/1, North Mada Street, Mylapore,
Chennai – 600 004.

2. The Commissioner,
Hindu Religious and Charitable Endowments,
119, Uthamar Gandhi Road,
Nungambakkam,
Chennai – 600 034.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the 1st Respondent, his men, agents, officials or any other person claiming through or under him, from, in any manner, from taking any action particularly by evicting the petitioner from the property at No.18A, Kabali Nagar, Venkatesa Agraharam, Mylapore, Chennai – 600 004, pending disposal of the Appeal filed on 05.09.2023 before the 2nd Respondent.



WEB COPY



W.P.No.26567 of 2023

For Petitioner : Mr.D.S.Rajasekaran
For Respondents : Mr.K.Karthikeyan
Government Advocate (HR & CE)

ORDER

The writ petitioner seeks issue of writ of mandamus forbearing the 1st respondent from taking any action for eviction of the petitioner from property bearing Door No.18A, Kabali Nagar, Venkatesa Agraharam, Mylapore, Chennai – 600 004, pending disposal of Appeal filed by him on 05.09.2023 before the 2nd respondent.

2.According to the petitioner, he is a tenant of above said building, which belongs to the 1st respondent. There is a dispute with regard to the fixation of fair rent between the petitioner and the 1st respondent. In this circumstances, a notice was issued to the petitioner on 21.08.2023, informing him that lease arrangement with the petitioner is cancelled due to his failure to pay the arrears of fair rent as fixed by the Competent Authority. Aggrieved by the same, the petitioner appeared to have filed an Appeal before the 2nd respondent.



W.P.No.26567 of 2023

WEB COPY

3.The learned counsel for the petitioner submits that while his Appeal is pending consideration before the 2nd respondent, the 1st respondent is taking steps to evict him from the demised premises. Therefore, he is constrained to approach this Court with the above said relief.

4.Mr.K.Karthikeyan, learned Government Advocate (HR & CE), who is taking notice for the respondents, on written instructions, submits that after termination of lease arrangement, the 1st respondent is contemplating with an idea of initiating proceedings under Section 78 of HR & CE Act, 1959 against the petitioner for his eviction and if any proceedings is initiated against the petitioner, he can very well appear before the Competent Authority and raise his objections.

5.If the petitioner has got any grievances with regard to the fixation of fair rent, it is for him to challenge the appropriate proceedings before the Commissioner of HR & CE under Section 34-A(3) of HR & CE Act, 1959. As far as the relief sought for in this writ petition is concerned, in view of the statement made by the learned Government Advocate appearing for the



W.P.No.26567 of 2023

respondents that appropriate proceedings will be initiated against the petitioner for his eviction in accordance with law. No further orders are necessary in this writ petition. As respondents themselves contemplating with the idea of initiating legal proceedings for eviction of the petitioner, if any proceedings is initiated against the petitioner for his eviction, it is always open to him to appear before the Competent Authority and raise his objections.

6. With these observations, the writ petition stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

08.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
nti



W.P.No.26567 of 2023

To
WEB COPY

1. The Joint Commissioner / Executive Officer,
Arulmigu Kapaliswarar Temple,
12/1, North Mada Street, Mylapore,
Chennai – 600 004.
2. The Commissioner,
Hindu Religious and Charitable Endowments,
119, Uthamar Gandhi Road,
Nungambakkam,
Chennai – 600 034.



WEB COPY



W.P.No.26567 of 2023

S.SOUNTHAR, J.
nti

W.P No.26567 of 2023 and
W.M.P.No.25978 of 2023

08.09.2023