



W.P.(MD) No.7389 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.7389 of 2023

and

W.M.P.(MD) Nos.6921 and 6922 of 2023

Sooraj

.. Petitioner

Vs.

1.The Joint Commissioner,
HR & CE Department,
Dindigul District.

2.The Executive Officer,
Arulmigu Kalakathieeswarar Thirukovil,
Dindigul District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records of the 2nd respondent dated 23.03.2023, quash the same as the same is arbitrary, ultra vires and non-application of mind in colorable exercise of power, contrary to the orders dated 23.01.2023 and 22.02.2023 in proceedings Se.Mu.Na.Ka.No.9931/2021/A4, Se.Mu.Mu.Mu.No.1203/2023/A2 passed by the 1st respondent and consequentially forbear the 2nd respondent from preventing the petitioner



W.P.(MD) No.7389 of 2023

from entering the property bearing Door No.158, Main Road, Dindigul as a lawful tenant.

For Petitioner : Mr.R.G.Shankar Ganesh

For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

This writ petition is filed to quash the proceedings of the second respondent dated 23.03.2023 and forbear the second respondent from preventing the petitioner from entering the property bearing Door No.158, Main Road, Dindigul as a lawful tenant.

2. Today, when the matter is taken up, the learned counsel for the petitioner produced an affidavit of undertaking, wherein the petitioner has stated as follows:

“2. I state that I have filed the writ petition seeking for the relief of Certiorarified Mandamus. The 2nd respondent had chosen to file a counter stating that as per the order dated 22.02.2023 passed by the 1st respondent, I need to enter into a separate agreement.

3. I state that as per the same, I hereby undertake to enter into a separate agreement for carrying out the



W.P.(MD) No.7389 of 2023

renovation works within a span of 1 week. Similarly as per the order dated 23.1.2023 I have been recognized as a tenant under the 3rd respondent temple. As on date I am paying the rent at the rate of Rs.7,348/-. The earlier rent is Rs.6,360/-. I hereby undertake to pay the monthly rent as fixed by the 3rd respondent without any default. Similarly I undertake not to claim any ownership right over the superstructure to be constructed by me as per the order dated 22.2.2023 after completion of the same.”

3. In the light of the affidavit of undertaking filed by the petitioner today, which is in line with the representation made by the second respondent before this Court, this Writ Petition is allowed, the impugned order is set aside and the parties shall enter into a fresh lease agreement within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

24.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes

abr



WEB COPY



W.P.(MD) No.7389 of 2023

P.T.ASHA, J.

abr

To

- 1.The Joint Commissioner,
HR & CE Department,
Dindigul District.
- 2.The Executive Officer,
Arulmigu Kalakathieeswarar Thirukovil,
Dindigul District.

W.P.(MD) No.7389 of 2023

Dated: 24.04.2023