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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.23087 of 2023

and

W.M.P(MD)Nos. 19279 & 19281 of 2023

J.Franklin

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai-600034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Tirunelveli.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Tirunelveli.
4. The Executive Officer,
Arulmigu Varamtharum Perumal Thirukovil,
Thatchanallur,
Tirunelveli.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Certiorarified Mandamus***, to call for the records relating to the Impugned Eviction Notice, dated 08.09.2023 on the file of the 4th, Respondent and quash the same as illegal and consequently directing the 1st, Respondent to number and dispose the Petitioner's Revision Petition, dated 27.07.2023 within a stipulated period and directing the Respondents 3 and 4 not to take any coercive steps to vacate the Petitioner from the premises in Survey No.127, Door No.34B, Madurai Road, Tirunelveli, till the disposal of the revision petition on the file of the 1st Respondent.

For Petitioner : Mr.P.Balamurugan

For Respondents : Mr.S.P.Maharajan,
Special Government Pleader

ORDER

This writ petition is filed for Writ of Certiorarified Mandamus to quash impugned Eviction Notice, dated 08.09.2023 and also seeking a consequential direction to the 1st respondent to number and dispose the Petitioner's Revision Petition, dated 27.07.2023.

2. Heard Mr.P.Balamurugan, the Learned Counsel appearing for the Petitioner and Mr.S.P.Maharajan, the Learned Special Government Pleader



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appearing for the respondents and perused the material documents available on record. With their consent, the writ petition is taken up for final disposal at the admission stage itself.

3. Admittedly, the petitioner is a lessee under the respondents. According to the petitioner, there are arrears to the tune of Rs.3,57,254/- and he is ready to pay Rs.1,50,000/- of the amount and has drawn Demand Draft bearing No. 748152 to this effect. But according to the respondents, the rent arrears to the tune of Rs.4,99,842/-.

4. By taking all facts into consideration, this Court is of the considered opinion that the petitioner's case ought to be considered. The respondents are directed to accept the amount of Rs.1,50,000/-.

5. The Learned Special Government Pleader appearing for the respondents submitted that the petitioner has submitted a Revision petition before the Commissioner, however, the same was returned.



6. In view of the above, this Court is passing the following Orders:

(i) The petitioner is further directed to submit the Demand Draft to the Executive Officer on 21.09.2023, without fail.

(ii) The petitioner is directed to pay the undisputed rent without default until the revision petition is decided.

(iii) The petitioner is directed to re-submit the Revision Petition before the Commissioner, within a period of 4 weeks from the date of receipt of a copy of this Order.

(iv) On such re-submission of the Revision Petition, the respondents shall consider the same, within a period of Six months, thereafter.

(iv) The petitioner is further directed not to put up any construction in the disputed site.



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7. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, ***W.M.P(MD)No.19279 of 2023*** is allowed and ***W.M.P(MD)No.19281 of 2023*** is closed.

Index : Yes / No

20.09.2023

Internet : Yes

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S.SRIMATHY, J

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**Order made in
W.P.(MD)No.23087 of 2023**

20.09.2023