

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A. Nos.863 and 864 of 2015
and M.P.Nos.1 of 2015

The Joint Commissioner/Executive Officer,
Arulmighu Arunachaleswarar Thirukoil,
Tiruvannamalai - 606 601. Appellant
in both Appeals

Vs.

1. D.Selvi
2. The Secretary,
Government of Tamil Nadu,
Tourism, Culture and Religious
Endowments Department,
Fort St.George,
Chennai - 9,
3. The Commissioner, HR&CE,
Nungambakkam,
Chennai - 34
4. The Joint Commissioner, Administration,
HR & CE Department,
Villupuram Post and District. Respondents in
W.A.No.863 of 2015

1. V.Nagarajan
2. V.Chandrasekaran,
3. The Secretary,
Government of Tamil Nadu,
Tourism, Culture and Religious
Endowments Department,
Fort St.George,
Chennai - 9,

4. The Commissioner, HR&CE,
Nungambakkam,
Chennai - 34

5. The Joint Commissioner, Administration,
HR & CE Department,
Villupuram Post and District.

.... Respondents in
W.A.No.864 of 2015

Prayer: Writ Appeal in W.A.No.863 of 2015 is filed under Clause 15 of the Letters Patent against the Order dated 8.6.2015 made in M.P.No.1 of 2015 in W.P.No.16091 of 2015 on the file of this Court.

Writ Appeal in W.A.No.864 of 2015 is filed under Clause 15 of the Letters Patent against the Order dated 8.6.2015 made in M.P.No.1 of 2015 in W.P.No.16092 of 2015 on the file of this Court.

WP.No.16091/15:Writ Petition under article 226 of the Constitution of India praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to:

(i) Issue writ or order or direction in the nature of a writ of certiorarified mandamus call for the records of the undated notice of the 3rd respondent quash the same and direct the respondents not to interfere with the peaceful possession of the petitioners property situate in Old No.339 Lloyds Road Royapettah Chennai 14 without following due process of law; and

(ii) Pass on order interim direction to the respondent to restore the possession of the premises situate at Old No.339, Lloyds Road, Royapettah, Chennai-14 (in MP.No.1/2015) pending disposal or the above WP.No.16091/15 respectively.

WP.No.16092/15:Writ Petition under article 226 of the Constitution of India praying that in these circumstances stated therein and in the respective affidavits filed therein the High Court will be pleased to:

(i) Issue writ or order in direction in the nature of a writ of certiorarified mandamus call for the records of the undated notice of the 3rd respondent quash the same and direct the respondents not to interfere with the peaceful possession of the petitioners property situate in Old No.340 New No.90 Avvai Shanmugam Salai, Royapettah Chennai 14 without following due process of law; and

(ii) Pass on order of interim restraining the respondent from interfering the peaceful and enjoyment of the petitioners premises situate at Old No.340, New No.90 Avvai Shanmugam Salai, Royapettah Chennai 14 (in MP.No.115) pending disposal of the above WP.No.16092/15 respectively.

For appellant
Mr.R.Muthukumarasamy, Sr.Counsel
in both appeals

for Mr.N.Sathiamoorthi

For Respondents : Mr.P.S.Sivashanmugasundaram, Spl.G.P.
2 to 4 in W.A.No.
863 of 2015 and
for respondents
3 to 5 in W.A.No.
864 of 2015

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COMMON JUDGMENT

(Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

Learned Senior Counsel appearing for the appellant submits that the private respondents have already vacated the shops in question. Therefore, the interim orders rendered by the learned single Judge may not be given effect to.

2. Be that as it may, since the impugned orders are in the interim nature and not conclusive, we are not inclined to interfere with the same at this stage. However, liberty is reserved to the appellant to make applications for modification of the impugned orders, if so advised and in accordance with law. In the event applications are made by the appellant, the Writ Court is requested to take up the matter at the earliest.

The writ appeals are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The Commissioner,
Hindu Religious Endowments and
Charitable Department,
Nungambakkam High Road,
Chennai - 600 034.
2. The Joint Commissioner, Administration,
HR & CE Department,
Villupuram Post and District.

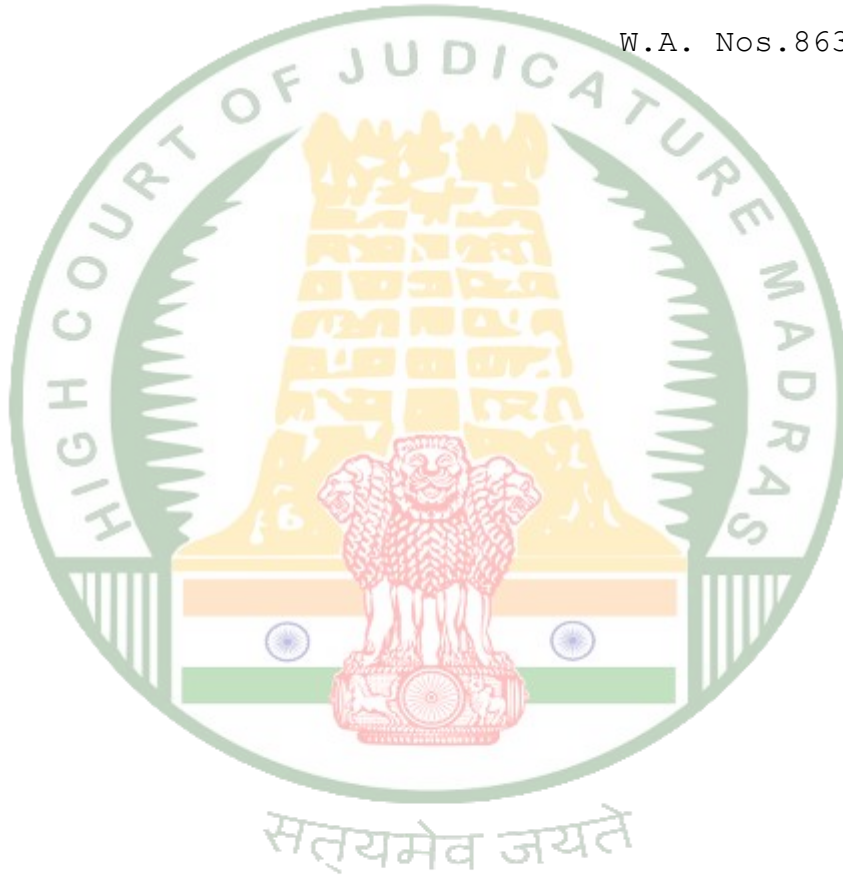
3. The Secretary,
Government of Tamil Nadu,
Tourism, Culture and Religious
Endowments Department,
Fort St.George,
Chennai - 9,

+1 cc to mr.N.Sathiamoorthy, Advocate,SR.31009, 31010.

+1 cc to Government Pleader,SR.31345, 31270.

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W.A. Nos.863 and 864 of 2015



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