

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2015

Coram

The Hon'ble Mr. Justice T.S.SIVAGNANAM

W.P.No.1298 of 2015

S.L.Maharajan

.. Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam High Road,
Chennai - 34.

2.The Executive Officer,
Devi Karumari Amman Thirukoil,
Kamarajar Nagar, Tondiarpet,
Chennai - 81.

3.The Inspector of Police, L&O,
H-5 Police Station,
New Washermenpet,
Chennai - 81.

4.Kalvikkarasi

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the second respondent to vacate and deliver the vacant possession of the shop to the petitioner from the fourth respondent for the purpose of running the business for the rest of the period or in the alternative direct the respondents 2 to 4 to pay a sum of Rs.5,00,000/- jointly and severally as compensation for not delivering the shop to the highest bidder namely the petitioner herein with regard to the auction conducted on 28.05.2014.

For Petitioner ... Mr.V.Bhiman

For Respondents.. Mr.S.Kandasamy,

Spl. Govt. Pleader (HR & CE) for R1 & R2
Mr.R.Vijayakumar,
Addl. Govt. Pleader for R3
R4 - No appearance

ORDER

The petitioner seeks for the issuance of a writ of mandamus directing the second respondent to vacate and deliver the vacant possession of the shop to him from the fourth respondent for the purpose of running the business for the rest of the period or in the alternative, direct the respondents 2 to 4 to pay a sum of Rs.5,00,000/- jointly and severally as compensation for not delivering the shop to the highest bidder namely the petitioner herein with regard to the auction conducted on 28.05.2014.

2.Heard the learned counsel for the petitioner, learned Special Government Pleader appearing for the respondents 1 and 2 and the learned Additional Government Pleader appearing for the third respondent.

3.The learned Special Government Pleader appearing for the respondents 1 and 2 submitted that appropriate action has been taken by the enquiry officer and a suit has also been filed by the temple as against the fourth respondent in O.S.No.5880 of 2012 on the file of the XI Assistant Judge, City Civil Court, Chennai for eviction and subsequently, it is reported that the fourth respondent has vacated and in this regard, a report has also been given by the enquiry officer and it has been communicated to the writ petitioner.

4.In the light of the above, the first limb of the prayer sought for by the petitioner has been satisfied and by recording the stand taken by the enquiry officer, the writ petition stands disposed of. With regard to the claim for compensation, it is open to the petitioner to work out his rights before the appropriate forum. No costs.

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

mmi

To

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam High Road,
Chennai - 34.

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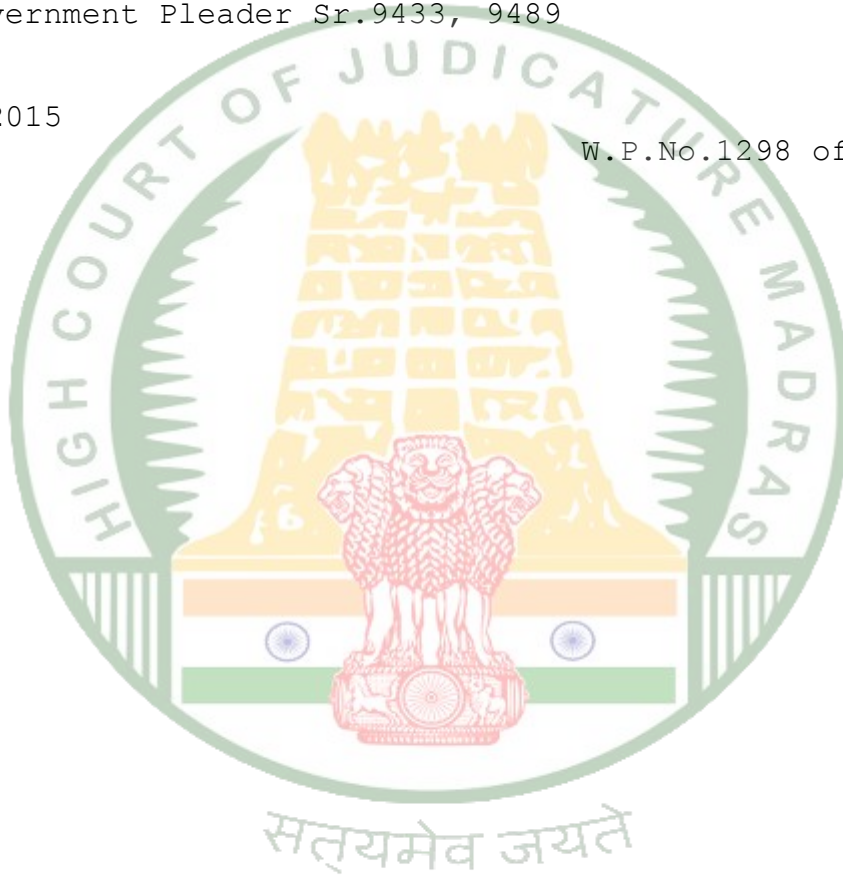
2.The Executive Officer,
Devi Karumari Amman Thirukoil,
Kamarajar Nagar, Tondiarpet,
Chennai - 81.

3.The Inspector of Police, L&O,
H-5 Police Station,
New Washermenpet,
Chennai - 81.

+ 1 cc to Mr.V. Bhiman, Advocate SR9193
+ 1 cc Government Pleader Sr.9433, 9489

GR(CO)
EU 09.03.2015

W.P.No.1298 of 2015



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