

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.No.34525 of 2014

K.Vijaya Kumar

.. Petitioner

-vs-

1. The State of Tamil Nadu,
Rep. By its Secretary,
Tamil Development, Endowments &
Information Department,
Fort St. George, Chennai.
2. The Commissioner,
Hindu Religious & Charitable Endowment
Board, No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai.
3. The Joint Commissioner (Administration)
Hindu Religious & Charitable Endowment
Board, No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai.
4. The Deputy Commissioner,
Hindu Religious & Charitable Endowment
Board, No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai.
5. Dr.P.V.Raj Kumar
Hereditary Trustee, Arulmighu Apparsamy
Thirukoil, No.171, Royapettah High Road,
Mylapore, Chennai.
6. K.Rajendran
7. R.Selvi

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 2 to 4 to forthwith evict respondents 6 and 7 with the aid of police from the property situate at No.173, Royapettah High Road, Mylapore, Chennai 600 004.

For Petitioner : Mr.K.S.Suresh
For Respondents : Mr.S.Kandaswamy
Spl.G.P. (HR&CE) For RR1 to 4

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O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner, through this Public Interest Litigation, seeks to raise the issue of inaction on part of the second, third and fourth respondents in removing the encroachments from the property situated in No.173, Royapettah High Road, Mylapore, Chennai-600004, despite the fact that the sixth respondent has failed in the litigation initiated by him and so was the fate of the suit instituted by the seventh respondent, being the wife of the sixth respondent. The suit was dismissed when the petitioner pointed out the concealment of material facts.

2.Learned counsel appearing for respondents 1 to 4 states that repeated proceedings have been initiated by sixth and seventh respondents, but the matter attained finality when the writ appeal filed by the sixth respondent was dismissed on 27.10.2014 and the suit instituted before the City Civil Judge, Chennai, by the seventh respondent, was rejected on 03.11.2014. He submits that the only proceeding now pending, without interim order, is W.P.No.34264 of 2014, where the seventh respondent seeks regularisation.

3.In our view, the legal proceeding initiated by the sixth and seventh respondents having attained finality, with the rights determined against them, the authorities would be well within their rights to initiate appropriate steps to get the land freed from the encroachment.

4.Insofar as the pending W.P.No.34264 of 2014 is concerned, the same be posted before this Bench, on 08.01.2015, with the counsel's name shown in the list.

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5.Writ Petition, accordingly, stands disposed of in the aforesaid terms. No costs.

sra

-s/d-

Assistant Registrar(T&P)

Dt:12/1/2015

True Copy

Sub-Assitant Registrar

To

1. The Secretary to Govt. of Tamil Nadu,
Tamil Development, Endowments &
Information Department,
Fort St. George, Chennai.
2. The Commissioner,
Hindu Religious & Charitable Endowment
Board, No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai.
3. The Joint Commissioner (Administration)
Hindu Religious & Charitable Endowment
Board, No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai.
4. The Deputy Commissioner,
Hindu Religious & Charitable Endowment
Board, No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai.
5. The Section Officer, सत्यमेव जयते
Writ Section,
High Court, Madras.

+ 1 cc to Mr.K.S.Suresh, Advocate SR 112

+ 2 ccs to the Govt. Pleader, High Court, Madras SR 146 & 242

gr(co)
prk12/1

W.P.No.34525 of 2014