

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.34878 of 2015
and M.P.No.1 of 2015

R.Guruvammal

... Petitioner

-Vs-

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam, Chennai - 34.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam, Chennai - 34.
3. The Executive Officer,
Office at Arulmighu Kamatchi Amman Temple,
MC Road, Old Washermenpet,
Chennai - 600 021.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus calling for the records pertaining to the order of the 3rd respondent dated 26.09.2015 and quash the same as illegal without jurisdiction and ultravires and direct the respondents to follow the procedures contemplated under section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act in evicting the petitioner from Door No.14, 2nd Lane, Singara Garden, Old Washermenpet, Chennai-600 021.

For Petitioner

: Mr.D.Rajagopal

For Respondents

: Mr.P.Sanjay Gandhi,

Additional Government Pleader

O R D E R

Challenging the order dated 26.09.2015 passed by the respondent no.3, the petitioner has come forward to file this Writ Petition.

2.A perusal of the said order would show that pursuant to the directions issued by this Court, the respondent no.3, after affording opportunity to the petitioner, has held that the request of the petitioner cannot be considered and he has to vacate the building and hand over the same to the temple.

3.The learned counsel for the petitioner submitted that the respondent no.3 cannot evict the petitioner. The order passed by the respondent no.3 merely indicates the decision made. The question of eviction comes only when the respondent no.2 exercises the power under the Section 72 of the Hindu Religious and Charitable Endowments Act.

4.The Writ Petition is disposed of accordingly giving liberty to the respondents to take appropriate action in accordance with law to evict the petitioner, if so required. No costs. Consequently, the connected miscellaneous petition is closed.

va

s/d-

Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam, Chennai - 34.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam, Chennai - 34.
3. The Executive Officer,
Office at Arulmighu Kamatchi Amman Temple,
MC Road, Old Washermenpet,
Chennai - 600 021.

+ 1 cc to Mr.D.Rajagopal, Advocate SR 59341

+ 1 cc to Govt.Pleader SR 59923

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