

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P. No. 39940 of 2015

V.Parthiban

...Petitioner

Vs.

1. The Commissioner,  
Hindu Religious and Charitable Endowment Board,  
Nungambakkam Chennai.

2. The Joint Commissioner,  
Hindu Religious and Charitable Endowment Board,  
Coimbatore-18.

3. The Executive Officer,  
Arulmigu Sarvalingamurthi and  
Athinarayanaperulam Thirukovil,  
Vadamugam Vellode,  
Perundurai Taluk,  
Erode District.

...Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus forbearing the 2<sup>nd</sup> respondent from evicting or disturbing the possession and enjoyment of the petitioner from the property situated in R.S. NO. 641/1 in Vadamugam Vellode Village, Perundurai Taluk, Erode District to the extent of 77 cents in pursuance to the order passed by the 2<sup>nd</sup> respondent vide his office proceedings No. C.M.P. No. 70/2014/A1/dated 2.6.2015 till the disposal of the appeal filed by the petitioner in S.R.No. 60163 dated 20.11.2015 on the file of the 1<sup>st</sup> respondent.

For Petitioner : Mr.I.C.Vasudevan,

For Respondents : Mr.P.Sanjay Gandhi,  
Additional Government Pleader

ORDER

As against the order passed by the respondent No. 2, the petitioner filed an appeal before the respondent No. 1 under Section 21 of the Hindu Religious Charitable Endowments Act. The appeal papers were returned to the petitioner for compliance, as per the letter dated 24.11.2015.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3. Learned counsel for the petitioner submitted that the papers have been re-presented on 16.12.2015. In the meanwhile, a letter was issued by the respondent No. 2, dated 07.12.2015, to handover possession, in pursuance of the order passed under Section 78(4).

4. The only grievance of the petitioner is that when the petitioner has re-presented the papers by filing an appeal before the respondent No. 1, the respondent Nos. 1 and 2 cannot go on with the eviction thereby, making the appeal infructuous.

5. Considering the fact that the petitioner is said to have re-presented the appeal papers, this Court is inclined to direct the respondent No. 1 to take appropriate steps on the pending appeal said to have been preferred by the petitioner and pass appropriate orders within a period of three weeks from the date of receipt of copy of this order. Till such time, status quo as on today shall be maintained. However, it is made clear that if the papers are not re-presented as submitted by the learned counsel for the petitioner, this order will not enure to the benefit of the petitioner, meaning thereby, the respondent No. 2 can go on with the eviction proceedings.

6. With the above direction, the writ petition is disposed of. Consequently connected miscellaneous petition is closed. No costs.

Sd/-  
Assistant Registrar (CS-II)

True Copy

Sub Assistant Registrar

सत्यमेव जयते

To

1. The Commissioner,  
Hindu Religious and Charity Endowment Board,  
Nungambakkam Chennai.

2. The Joint Commissioner,  
Hindu Religious and Charity Endowment Board,  
Coimbatore-18.

3. The Executive Officer,  
Arulmigu Sarvalingamurthi and  
Athinarayanaperulam Thirukovil,  
Vadamugam Vellode,  
Perundurai Taluk,  
Erode District.

+1cc to Mr.I.C.Vasudevan, Advocate sr.68489

+1 cc to Government Pleader Sr.No.68843 [25.05.2016]

W.P.No. 39940 of 2015

srg 18/12/2015



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