

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Writ Petition Nos.29622 and 29623 of 2013
and M.P.Nos.1,1,2,2 of 2013 & 1 and 1 of 2014

Mr. P.Sundar ...Petitioner in W.P.No.29622/2013
Mr. K.Padmanabhan ...Petitioner in W.P.No.29623/2013

Vs

1. The Secretary to Government,
Tamil Development, Religious Endowments
and Information Department,
Fort St. George, Chennai - 600 009
 2. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Uthamar Gandhi Road, Nungambakkam,
Chennai - 600 034
 3. The Joint Commissioner / Executive Officer,
Hindu Religious and Charitable Endowment Department,
Arulmigu Devi Karumariamman Thirukoil,
Thiruverkadu, Chennai - 600 077
- Respondents in both W.Ps.

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned orders passed by the third respondent in Na.Ka.797/2013/E3 dated 15.07.2013, quash the same and to direct the third respondent to receive the rents periodically and permit the petitioners to run respective Shop Nos.1 and 2, Sannadi Street, Thiruverkadu, Chennai - 600 077.

For Petitioner in both W.Ps. : Dr.G.Krishnamurthy

For Respondents in both W.Ps : Mr.P.Sanjai Gandhi,
AGP., for R-1 & R-2,
Mr. Ashok Menon, for R-3

C O M M O N O R D E R

By consent of the learned counsel appearing for both sides, the writ petitions are taken up for final disposal at the admission stage itself.

2. Heard the learned counsel appearing for both sides.

3. It appears that the third respondent has asked the petitioners to vacate from Shop Nos.1 and 2, Sannadi Street, Thiruverkadu, Chennai - 600077. Thereafter, the petitioners herein have filed a suit in O.S.No.288 of 2005 before the Munsif Court, Poonamallee, for permanent injunction. The same came to be dismissed exparte. Thereafter, by the impugned orders, the petitioners were asked to pay the arrears and hand over the vacant site. Challenging the same, the present writ petitions have been filed.

4. This Court is of the opinion that these writ petitions are not maintainable, on law and facts. Having filed a suit, the petitioners ought not to have filed these writ petitions. The impugned orders are only the consequential orders to the earlier ones passed. There is a mechanism provided under the HR & CE Act to evict the petitioners. The impugned orders merely request the petitioners to handover the shops, failing which appropriate action will be taken in accordance with law. Therefore, the writ petitions are dismissed. No costs. Consequently the connected MPs are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

srk

To

1. The Secretary to Government,
Tamil Development, Religious Endowments
and Information Department,
Fort St. George, Chennai - 600 009

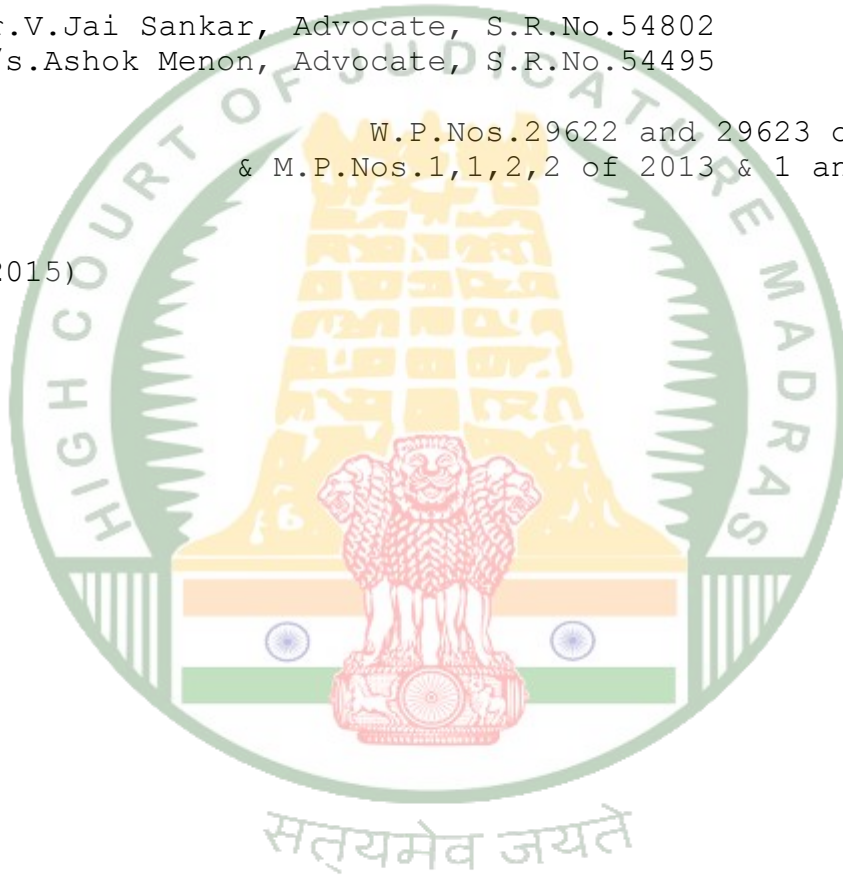
2. The Commissioner,
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Chennai - 600 034
3. The Joint Commissioner / Executive Officer,
Hindu Religious and Charitable Endowment Department,
Arulmigu Devi Karumariamman Thirukoil,
Thiruverkadu, Chennai - 600 077

+lcc to Mr.V.Jai Sankar, Advocate, S.R.No.54802

+lcc to M/s.Ashok Menon, Advocate, S.R.No.54495

W.P.Nos.29622 and 29623 of 2013
& M.P.Nos.1,1,2,2 of 2013 & 1 and 1 of 2014

GGK(CO)
CA(20/10/2015)



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