

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2016

CORAM

THE HONOURABLE Mr.JUSTICE M.M. SUNDRESH

W.P.No.2764 of 2016
and
WMP.Nos.2297 and 2298 of 2016

K.Sivalingam (Poosari)
S/o.Karibeeran,
Banni Alli Puthur,
Krishnagiri Taluk and District ... Petitioner

- Vs -

1. The Commissioner,
Hindu Religious and Charitable Endowments
Department, Uthamar Gandhi Road,
Nungambakkam, Chennai 600 034.
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments
Department, Dharmapuri
3. The Inspector
Hindu Religious and Charitable Endowments
Department, Palacode, Dharmapuri District.
4. The Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of certiorari, to call for the records pertaining to the impugned order dated 06.01.2016 made in Na.Ka.No.1878/2000/A6 passed by the 2nd respondent to quash the same and consequently direct the respondent to regularise the right of the petitioner as tenant with necessary charges in respect of the land Malakka Thimmana Halli Aulmigu Thimmarayasamy Temple land comprised in Survey No.1075 and 1076 situate at Malakka Thimmana Halli Village, Banni Halli, Krishnagiri Taluk and District.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.P.Sanjaygandhi
Additional Government Pleader

ORDER

The petitioner has come forward to file this Writ Petition seeking to challenge the order dated 06.01.2016 passed by the second respondent with consequential direction to regularise the right of the petitioner as a tenant.

2. A perusal of the above said impugned order would show that it is only a consequential order passed under Section 78(2) of the Tamilnadu H.R. and C.E. Act way back in the year 2001. Therefore, in law, the petitioner cannot seek remedy as he seeks now by challenging the collateral proceedings after a long number of years.

3. The learned counsel appearing for the petitioner submitted that abruptly, the house has been sealed and he has grown mango trees. Therefore, he sought for further period of six months to vacate the premises.

4. Considering the above said submission, this court is inclined to grant a period of four months from the date of receipt of a copy of this order for the petitioner to vacate the property, ie., on or before 31.05.2016. The petitioner shall file an affidavit of undertaking agreeing to vacate the premises on or before 31.05.2016 within two weeks from the date of this order, failing which, it is open to the respondent to re-take the possession of the property with the aid of the police.

The Writ Petition is disposed of with the above directions. Consequently, connected miscellaneous petitions are closed. No costs.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

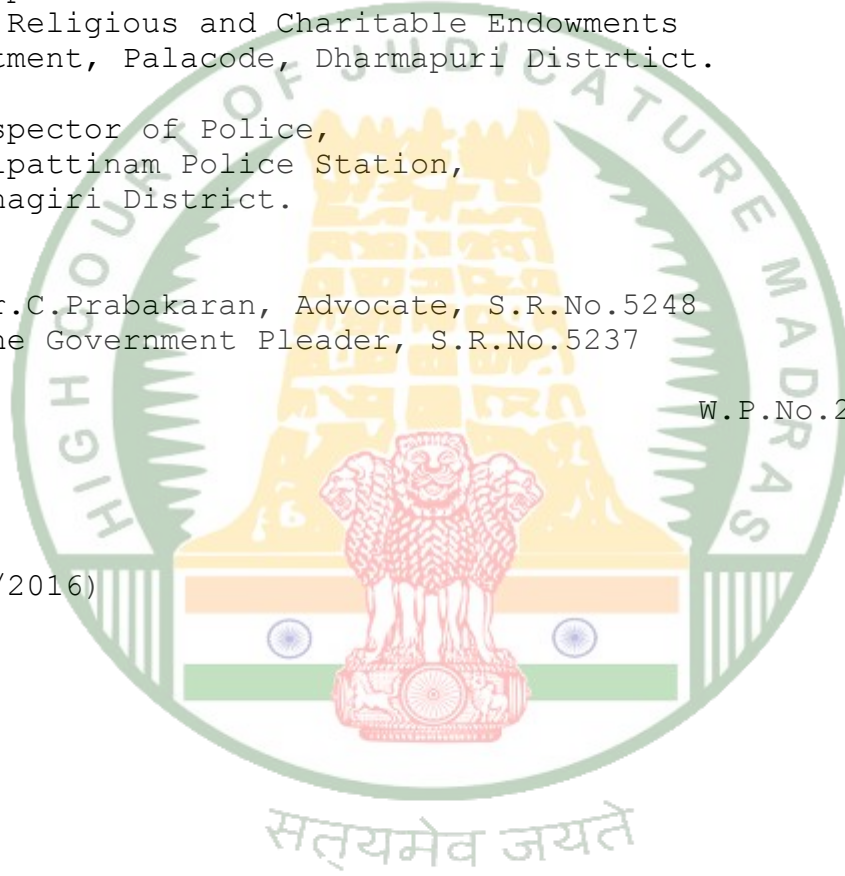
To

1. The Commissioner,
Hindu Religious and Charitable Endowments
Department, Uthamar Gandhi Road,
Nungambakkam, Chennai 600 034.
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments
Department, Dharmapuri
3. The Inspector
Hindu Religious and Charitable Endowments
Department, Palacode, Dharmapuri District.
4. The Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.5248
+1cc to the Government Pleader, S.R.No.5237

W.P.No.2764 of 2016

jsv(CO)
srg(02/02/2016)



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