

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.32299 of 2017
and
WMP No.35560 of 2017

K.Nazeem

...Petitioner

Vs

- 1.The Secretary to Government,
Tourism, Culture and Religious Endowments
Department,
Fort St.George,
Chennai 600 009.
- 2.The Commissioner,
Hindu Religious and Charitable Endowment
Administration Department,
Nungambakkam,
Chennai 600 034.
- 3.The Joint Commissioner,
Hindu Religious and Charitable Endowment
Department, Madurai 625 001.
- 4.The Assistant Commissioner,
Hindu Religious and Charitable Endowment
Department, Madurai 625 001.
- 5.The Assistant Commissioner/Executive Officer,
Arulmighu Koodalalagar Temple,
Madurai 625 001.

...Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the first respondent to take up the Memorandum of Revision Petition dated 13.06.2017 preferred by the petitioner to the first respondent on 13.06.2017, as against the order dated 09.05.2017 passed in A.P.No.3/2017D2, on the file of the second respondent herein, confirming the order of eviction dated 12.11.2016 passed in Na.Ka.No.7132/2015 on the file of the third respondent herein, and to pass appropriate orders in the petition for stay, along with the Memorandum of Revision

Petition, and dispose of the same on merits and in accordance with law, within a time frame fixed by this Court.

For Petitioner : Mr.S.Subbiah
Standing Counsel
for M/s.G.Sumitra

For Respondents : Mr.M.Maharaja for R1 to R4
Special Government Pleader
Mr.Sriram for R5

ORDER

Heard the learned counsel appearing for the petitioner, Mr.M.Maharaja, learned counsel appearing for the respondents 1 to 4 and Mr.Sriram, learned counsel appearing for the fifth respondent.

2.The petitioner seeks for a direction to the first respondent to consider the revision petition filed on 13.06.2017, challenging the order passed by the second respondent dated 09.05.2017, confirming the order of eviction dated 12.11.2016 passed by the third respondent.

3.The petitioner suffered an order of eviction passed under Section 80 of H.R.& C.E. Act. It is seen that the petitioner filed an appeal before the second respondent against the said order of eviction passed by the third respondent and such appeal also came to be rejected on 09.05.2017. Consequently, the petitioner filed further revision before the first respondent on 13.06.2017, which is admittedly pending as on today. Now the present writ petition is filed only for the disposal of the said revision within the time frame fixed by this Court. Therefore, without expressing any view on the merits and contentions raised by both parties, this writ petition is disposed of, by directing the first respondent to consider the revision filed by the petitioner dated 13.06.2017 and pass orders on the same on merits and in accordance with law, after giving due opportunity of hearing to the respective parties. Such exercise shall be done by the first respondent within a period of six weeks from the date of receipt of a copy of this order. Till an order is passed by the first respondent in the main revision, the respondents 3 to 5 shall maintain status quo as on today. The petitioner should cooperate with the first respondent for disposal of the revision within the time stipulated by this Court, without seeking for any adjournment.

4.Mr.M.Maharaja, learned Standing Counsel for H.R&C.E. submitted that he would instruct the officials about this order passed by this Court immediately without waiting for copy of the order.

No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vri

To

- 1.The Secretary to Government,
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Arulmighu Koodalalagar Temple,
Madurai 625 001.

+1cc to Mr.G.Sumitra, Advocate, S.R.No.88810

+1cc to Mr.A.S.Kailasam, Advocate, S.R.No.88862

W.P.No.32299 of 2017

RRK(14/12/2017)