

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2017

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THE HONOURABLE MR. JUSTICE M.DURAIWAMY

W.P.No.21843 of 2017
and W.M.P.No.22847 of 2017

S.Durairaj

[Petitioner]

Vs

1. The Commissioner of HR & CE
HR & CE Department,
No.19, Uthamar Gandhi Street,
Nungambakkam, Chennai 19.
2. The Joint Commissioner,
HR & CE Department.
RDO Office Road,
Sathuvahcari, Vellore.
3. The Assistant Commissioner
HR & CE Department, Kanchipuram,
Kanchipuram District.
4. The Executive Officer,
Arulmigu Vedhagreesvarar Temple,
Thirukkazhukundram,
Kanchipuram District.

[Respondents]

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents not to evict the petitioner from his house situated in S.No.157/2, Kadappakkam Village, Seyur Taluk, Kanchipuram District, until the disposal of the revision petition of the petitioner dated 01.08.2017 made to respondent No.1, against the order bearing No.Na.Ka.No.685/2013/E1 dated 30.06.2017 passed by respondent No.2.

For Petitioner : Mr.P.Pugalenth

For Respondents : Mr.M.Maharaja, SGP

ORDER

Mr.M.Maharaja, learned Special Government Pleader, takes notice for the respondents and by consent, the main writ petition itself is taken up for final disposal at the admission stage itself.

2. The petitioner has filed the above writ petition to issue a writ of mandamus directing the respondents not to evict him from his house situated in S.No.157/2, Kadappakkam Village, Seyur Taluk, Kanchipuram District, until the disposal of his revision petition dated 01.08.2017 filed before the 1st respondent, against the order dated 30.06.2017 passed by the 2nd respondent.

3. Mr.M.Maharaja, learned Special Government Pleader, appearing for the respondents submitted that the 2nd respondent had issued a notice under Section 78 of the HR & CE Act and an order was also passed by him on 30.06.2017, ordering eviction of the petitioner. The learned Special Government Pleader further submitted that challenging the order passed by the 2nd respondent, the petitioner filed an appeal before the 1st respondent on 01.08.2017, which was sent by the petitioner to the 1st respondent by registered post on 02.08.2017. The learned Special Government Pleader also submitted that the respondents had acted in accordance with the provisions of the HR & CE Act.

4. Recording the submissions made by the learned Special Government Pleader appearing for the respondents, since the respondents had acted in accordance with law and that the appeal preferred by the petitioner before the 1st respondent is pending, in the interest of justice, the respondents are directed to maintain status-quo till the disposal of the appeal dated 01.08.2017. The 1st respondent is directed to dispose of the appeal preferred by the petitioner, within a period of two months from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

17.08.2017

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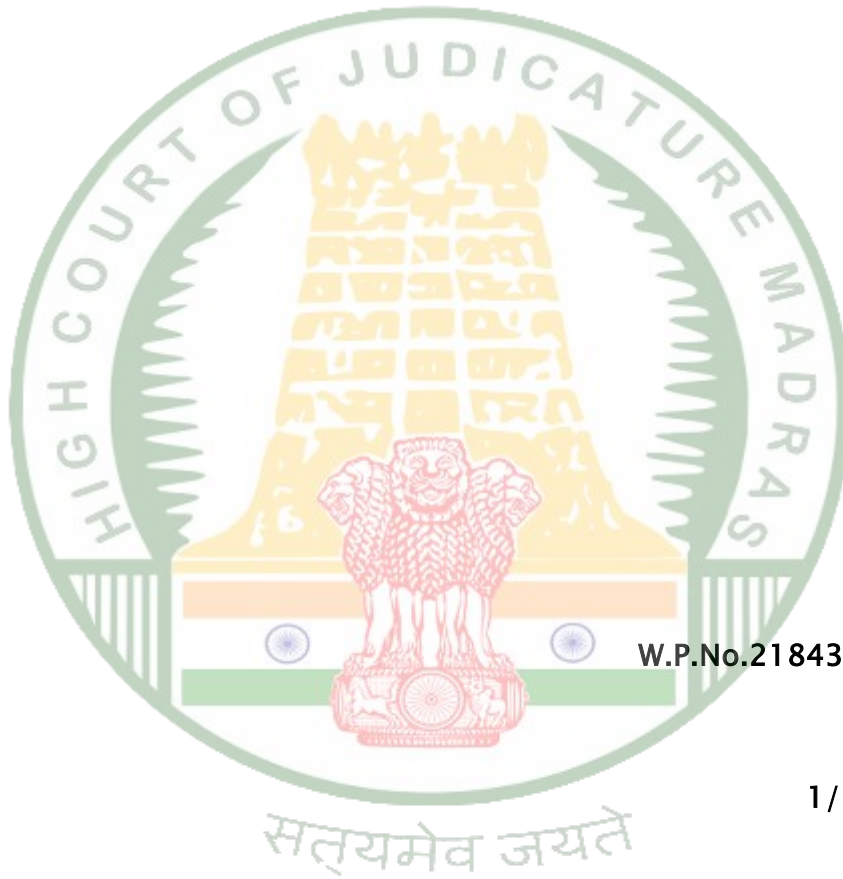
To

1. The Commissioner of HR & CE
HR & CE Department,
No.19, Uthamar Gandhi Street,
Nungambakkam, Chennai 19.
2. The Joint Commissioner,
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RDO Office Road,
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Kanchipuram District.

M.DURAISWAMY,J.,

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