

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2017

CORAM

The Honourable MR. JUSTICE M.DURAI SWAMY

W.P.No.13624 of 2017 &
W.M.P.No.14810 of 2017

S.Goindarajulu

... Petitioner

v.

- 1 The Secretary to Government of Tamil Nadu
Hindu Religious and Charitable Endowment Department
Fort St. George, Chennai 9
- 2 The Commissioner
Hindu Religious and Charitable Endowment Department
Administration Department
Mahatma Gandhi Road
Nungambakkam, Chennai 600 034
- 3 The Joint Commissioner
Hindu Religious and Charitable Endowment Department
Administration Department
Salem
- 4 The Executive Officer
A/m. Vellaipillayar Temple
Attur Town
Salem District

5 S.Ganesan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified mandamus, calling for the records passed by the 4th respondent dated 23.5.2017 and quash the same, consequently direct the respondents to consider the petitioner as lawful tenant in the Leased Property situated at Door No. 574, 575, Hotel Sri Gowri Shankar, Survey No. 512, Attur Town, Attur Taluk , Salem District

For Petitioner : Mr.K.Justin Selvakumar

For Respondents : Mr.S.Maharajan,
Spl Govt. Pleader - for R1 to R4

ORDER

The petitioner has filed the above writ petition to issue a Writ of Certiorarified mandamus to call for the records of the 4th respondent dated 23.05.2017, to quash the same and consequently direct the respondents to consider the petitioner as lawful tenant in the leased property situated at Door Nos. 574 and 575, Hotel Sri Gowri Shankar, Survey No. 512, Attur Town, Attur Taluk, Salem District.

2. By the impugned order dated 23.05.2017, the 4th respondent called upon the petitioner to vacate the premises on or before 30.05.2017. On a reading of the impugned order, it is clear that the property belong to the 4th respondent temple. The petitioner filed an application before the 3rd respondent for change of name transfer, which was rejected by the 3rd respondent on 26.07.2013. Thereafter, the Revision filed by the petitioner before the 2nd respondent was also dismissed on 17.04.2017. Having lost before all the Forum, now the petitioner has challenged the impugned order calling upon the petitioner to vacate and handover vacant possession on or before 30.05.2017.

3. The learned counsel appearing for the petitioner submitted that the petitioner has filed a Review Application before the 2nd respondent to review the order dated 17.04.2017.

4. Mr.S.Maharajan, learned Special Government Pleader, appearing for the respondents 1 to 4 submitted that the petitioner had lost before all the Forum, therefore, no indulgence should be shown to the petitioner. The learned Special Government Pleader, further submitted that there is no infirmity in the order passed by the 4th respondent.

5. When the appeal filed by the petitioner was dismissed by the 2nd respondent, mere pendency of the Review Application shall not be treated as an order of stay preventing the 4th respondent from taking possession of the property.

6. As already stated, since the petitioner has lost before all the Forum, the 4th respondent had issued the impugned notice calling upon the petitioner to vacate and handover vacant possession on or before 30.05.2017.

7. I do not find any error or irregularity in the order passed by the 4th respondent. The writ petition is devoid of merits and is liable to be dismissed. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Rj

To

- 1 The Secretary to Government of Tamil Nadu,
Hindu Religious and Charitable Endowment Department,
Fort St. George, Chennai 9.
- 2 The Commissioner,
Hindu Religious and Charitable Endowment Department,
Administration Department,
Mahatma Gandhi Road,
Nungambakkam, Chennai 600 034.
- 3 The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Administration Department,
Salem.
- 4 The Executive Officer,
A/m. Vellaipillayar Temple,
Attur Town,
Salem District.

+1cc to M/S.A.Radhakrishnan, Advocate Sr.39690
+1cc to the Government Pleader Sr.39953

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nr[co]
srg 07/06/2017