

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2017

CORAM

The Honourable MR. JUSTICE M.DURAIWAMY

W.P.No.15558 of 2017
& W.M.P.Nos.16861 & 16862 of 2017

K.M.V.Manivanan

[Petitioner]

Vs

1. The Commissioner,
Hindu Religious & Charitable Endowment Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.
2. The Joint Commissioner / Executive Officer,
Hindu Religious & Charitable Endowment Department,
Arulmigu Kapaleeshwara Temple,
Mylapore, Chennai - 600 004.

[Respondents]

Writ Petition filed under Article 226 of the Constitution of India
praying for the issuance of a writ of mandamus directing the 2nd
respondent to remove the lock and seal of the premises situated at No.3,
Kabali Nagar, Venkatesa Agraharam Road, Mylapore, Chennai - 600 004.

For Petitioner : Mr.N.R.Chandran, Senior Counsel
for M/s.S.Yashwanth

For Respondents : Mr.M.Maharaja, Spl.G.P.(HR & CE)

ORDER

The petitioner has filed the above writ petition to issue a writ of mandamus to direct the 2nd respondent to remove the lock and seal of the premises situated at No.3, Kabali Nagar, Venkatesa Agraharam Road, Mylapore, Chennai - 600 004.

2. The case of the petitioner is that he is working as Joint Director in the Tamil Nadu Industrial Co-operative Society, Chennai and he was allotted a premises by the second respondent at Mylapore. Meanwhile, the petitioner had suffered heart ailment, therefore bypass surgery was conducted and in the meantime, the petitioner was transferred to Uthagai. Since the petitioner had heart problem, he had requested his Department to reconsider the order of transfer. The second respondent issued a notice to the petitioner to evict the premises, since he was transferred to Uthagai. Thereafter, the second respondent issued an order under Section 78 of the HR & CE Act, on 26.07.2016. The petitioner had challenged the same before the first respondent and the first respondent had dismissed the Revision Petition filed by the petitioner. Now, the petitioner has preferred a revision before the Government and the same is pending. The petitioner's transfer is now being considered by the Department and his daughter is also going to get married on 28.06.2017. Pending the revision before the State

Government, the respondent had locked and sealed the premises.

3. When the matter is taken up for hearing, Mr.N.R.Chandran, learned Senior counsel appearing for the petitioner has submitted that the petitioner is willing to vacate the premises on or before 31.07.2017 and the petitioner has also filed an affidavit of undertaking seeking time before this Court and the affidavit of undertaking is taken on record.

4. Mr.M.Maharaja, learned Special Government Pleader (HR & CE) appearing for the respondents has submitted that the respondents have no objection for granting time till 31.07.2017 to vacate the premises.

5. Though the petitioner seeks two months time in the affidavit of undertaking for vacating the premises, the learned counsel restricted the time till 31.07.2017. Recording the affidavit of undertaking, granting time till 31.07.2017 to the petitioner for vacating and handing over the vacant possession of the premises to the respondents, without directing to initiate any further proceedings in this matter. It is needles to say that the petitioner is liable to pay the monthly rent without any default till he vacates and hands over the vacant possession of the premises to the respondents.

6. With the above observation and direction, the writ petition is disposed of. It is also made clear that the arrangement made in this petition shall not be applied as precedence in other matters. No costs. Consequently, connected miscellaneous petitions are closed.

23.06.2017

Index:Yes/no

Internet: yes/no

Note: Issue order copy on 23.06.2017

pvs

To

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M. DURAISWAMY,J.

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