

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.18203 of 2017 and
W.M.P.No.19793 of 2017

M/s.Radha Silk Emporium,
rep by its Partner K.Jairam
S/o Kothandaraman
No.1, Sannadhi Street, Mylapore,
Chennai - 600 004.

... Petitioner

Vs.

1. The State of Tamil Nadu
rep by its Principal Secretary,
Hindu Religious & Charitable Endowment and
Information Department,
Fort St.George, Chennai - 600 009.

2. The Joint Commissioner/Executive Officer,
Arulmigu Kapaleswarar Temple,
Hindu Religious & Charitable
Endowment Department,
Chennai - 600 004.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the 1st respondent to pass immediate orders in the stay application personal hearing for which was given and heard in R.P.No.7/2017 against R.P.No.115/2016-D2 on 03.05.2017 without any further delay.

For Petitioner : Mr.R.Thiagarajan, Senior Counsel
for Mr.V.G.Suresh Kumar

For Respondents : Mr.M.Maharaja,
Special Government Pleader (HR & CE)

O R D E R

Mr.M.Maharaja, learned Special Government Pleader takes notice for the respondents. By consent, the writ petition is taken up for disposal in the admission stage itself.

2.The petitioner has filed the above Writ Petition to issue a writ of mandamus to direct the 1st respondent to pass immediate orders in the stay application, after giving personal hearing in R.P.No.7/2017 against R.P.No.115/ 2016-D2 on 03.05.2017 without any further delay.

3.Mr.R.Thiagarajan, learned senior counsel appearing for the petitioner submitted that the petitioner has filed a revision before the 1st respondent on 06.05.2016 and that the 1st respondent has not passed any order in the stay petition so far. Further, the learned senior counsel submitted that inspite of the fact that personal hearing was given to the petitioner on 03.05.2017, the 1st respondent has not passed orders in the stay petition. The learned senior counsel also submitted that the 2nd respondent is also proceeding with the construction in the said land, which causes hardship to the petitioner.

4.Mr.M.Maharaja, learned Special Government Pleader appearing for the respondents submitted that the 1st respondent may be directed to pass orders in the stay petition within a time frame in accordance with law.

5.In view of the submissions made by the learned counsel on either side, without expressing any opinion with regard to the merits of the case, taking note of the submissions made by the learned senior counsel for the petitioner that the 2nd respondent is proceeding with the construction, I direct the 1st respondent to pass orders in the stay petition filed by the petitioner in R.P.No.7/2017 within a period of one week from the date of receipt of a copy of this order.

6.With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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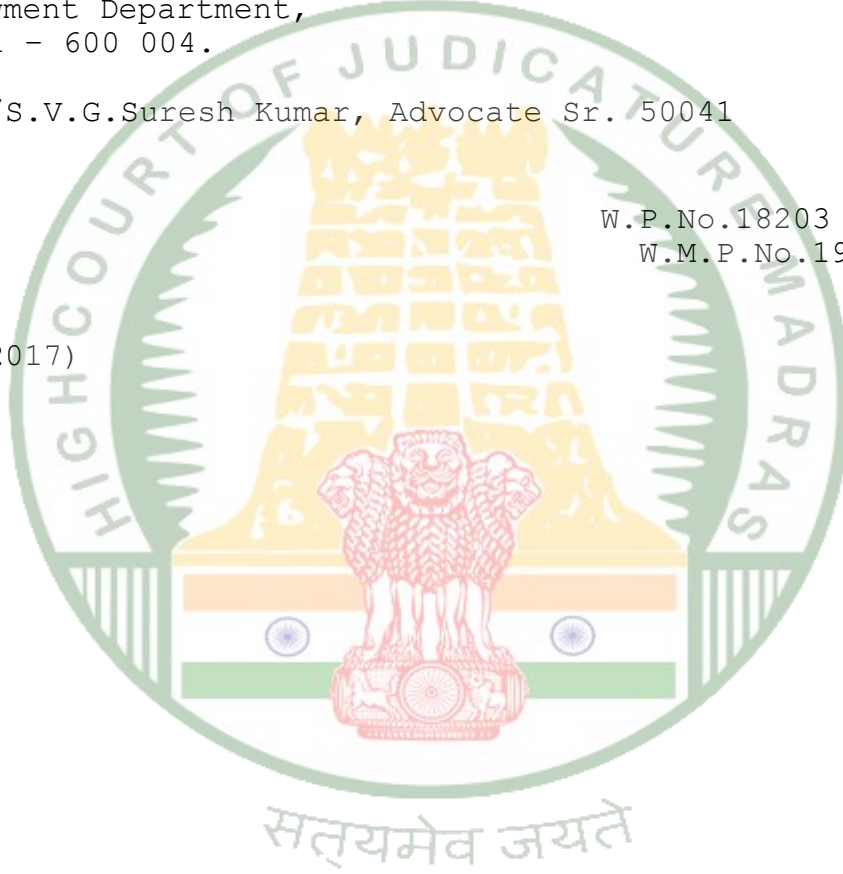
To

1. The Principal Secretary,
State of Tamil Nadu,
Hindu Religious & Charitable Endowment and
Information Department,
Fort St.George, Chennai - 600 009.
2. The Joint Commissioner/Executive Officer,
Arulmigu Kapaleswarar Temple,
Hindu Religious & Charitable
Endowment Department,
Chennai - 600 004.

+1cc to M/S.V.G.Suresh Kumar, Advocate Sr. 50041

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NRI (CO)
VR(18/07/2017)



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