

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATE: 27.01.2017

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.1999 of 2017
and
WMP.No.2001 of 2017

1.K.Ramanaiah

2.K.Padma

3.E.Parthasarathy

4.E.Indraprakash

5.E.Ravichandran

6.K.Shanthi

7.R.Sundar

8.R.Babu

9.V.Seetharama Naidu

10.V.S.Shivakumar

11.S.Elango

12.S.Selvamoorthy

13.K.Kumar

14.K.Krishnakumar

15.S.Valli

...Petitioners

Vs.

1. The Executive Officer,
Arulmighu Pidari Uthanatchiamman
Mangaleswarar & Bala Vinayagar Thirukoil,
Arumbakkam,
Chennai-600 106.

2. The Assistant Commissioner,
HR & CE Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-34.

3. The Joint Commissioner,
HR & CE Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-34.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of Mandamus, forbearing the respondents herein from continuing the eviction proceedings in Na.Ka.Nos.4527 to 4532 of 2009; Na.Ka.Nos.4546 to 4553/2009 and Na.Ka.Nos.4568/2009 on the file of the third respondent against the petitioners under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

For Petitioners : Mr.S.Balaji

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

O R D E R

By consent, the writ petition itself is taken up for final disposal.

2.The writ petition has been filed by the petitioners seeking a direction to forbear the respondents herein from continuing the eviction proceedings in Na.Ka.Nos.4527 to 4532 of 2009; Na.Ka.Nos.4546 to 4553/2009 and Na.Ka.Nos.4568/2009 on the file of the third respondent against them under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

3.Heard the learned counsel appearing for the petitioners as well as the learned Special Government Pleader appearing on behalf of the respondents.

4.After some elaborate arguments, the learned Special Government Pleader for the respondents stated that enquiry is pending before the Joint Commissioner, HR & CE Department in Na.Ka.Nos.4527 to 4532 of 2009; Na.Ka.Nos.4546 to 4553/2009 and

Na.Ka.Nos.4568/2009 and the same has been posted to 15.02.2017 for enquiry.

5.Considering the submissions made by the learned Special Government Pleader for the respondents, the petitioners herein are directed to appear before the authorities concerned for enquiry and they can putforth their case in regard to fixation of the rent. The authorities concerned are also directed to give sufficient opportunity to the petitioners and pass appropriate orders on merits and in accordance with law within a period of three months thereafter.

6.With the above directions, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is also closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

DP
To

Sub Assistant Registrar

1. The Executive Officer,
Arulmighu Pidari Uthanatchiamman
Mangaleswarar & Bala Vinayagar Thirukoil,
Arumbakkam,
Chennai-600 106.
2. The Assistant Commissioner,
HR & CE Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-34.
3. The Joint Commissioner,
HR & CE Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-34.

+1cc to Mr.Balaji, Advocate, S.R.No.5142
+1cc to the Government Pleader, S.R.No.5921

KS(CO)
RS(15/02/2017)

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and
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