



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WEB COPY

**W.P(MD)No. 16718 of 2017**

**and**

**W.M.P(MD)No.13322 of 2017**

K.Shanmugasundaram

.. Petitioner

Vs.

1. The Commissioner,  
HR & CE Department,  
No.119, Uthamar Gandhi Salai,  
Chennai - 600 034.

2. The Joint Commissioner,  
HR & CE Department,  
A/M Sriranganatha Swamy Thirukovil,  
Srirangam,  
Trichy - 620 006.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to proceedings vide Na.Ka.No.986/1424/C3 dated 01.09.2017, on the file of the second respondent and quash the same.

For Petitioner : Mr.R.Yamuna

For Respondents : Mr.J.Gunaseelan Muthiah,  
Government Advocate for R.1  
Mr.K.Govindarajan for R.2

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**ORDER**

This writ petition has been filed by the petitioner, seeking a writ of Certiorari, to quash the impugned proceedings of the second respondent in Na.Ka.No.986/1424/C3 dated 01.09.2017.

2.According to the petitioner, he is in possession in T.S.No.2204 measuring to an extent of 23 cents, in Ward 2, Velimutham Village, Srirangam Town, for a long period of time and the respondents, all of a sudden, tried to evict him from the said place. In this regard, he submitted a representation dated 13.10.2014 to the respondents followed by a writ petition in W.P (MD)No.17046 of 2014 before this Court, wherein, this Court, by order dated 03.08.2017, has observed as under:



"3.The respondent has filed counter affidavit contending that the writ petitioner is a total stranger and that there is no house as claimed by him in the subject land. The claim of possession by the writ petitioner is also strongly denied. Since there are factual disputes, it is not possible for this Court to grant the relief sought for. It is always open to him to work out his rights, if any, in the manner known to law. If really, the writ petitioner is in physical possession, any statutory authority is expected to observe the due process of law."

Pursuant to the observation of this Court, the second respondent issued the impugned order dated 01.09.2017, directing the petitioner to vacate and hand over the property in dispute, within two days and aggrieved by the same, the petitioner is before this Court again.

3.Heard the learned Counsel appearing for the petitioner, the learned Government Advocate appearing for the first respondent and the learned Counsel appearing for the second respondent.

4.After a detailed and elaborate argument, the learned Counsel for the petitioner, produced an affidavit of the petitioner dated 07.09.2017, wherein, the petitioner sought for three months time to vacate the property in question. The learned Counsel appearing for the second respondent also agreed for the same. The learned Counsel for the second respondent further submitted that in view of the Vaikunda Aegathesi festival, the subject property is required for the devotees and he requested that the petitioner may be directed to vacate the said place on or before 01.12.2017, for which, the petitioner also agreed.

5.Under such circumstances, this writ petition is disposed of, with a direction to the petitioner to vacate and hand over the subject property to the second respondent, on or before 01.12.2017. The affidavit of the petitioner dated 07.09.2017, shall form part of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,  
HR & CE Department,  
110, N. S. Road, near Gandhi Salai,  
Chennai - 600 034.



2. The Joint Commissioner,  
HR & CE Department,  
A/M Sriranganatha Swamy Thirukovil,  
Srirangam,  
Trichy - 620 006.

WEB COPY

+1cc to Mr.K.Govindarajan, Advocate in SR.No.77419  
+1cc to M/s.R.Yamuna, Advocate in SR.No.77458  
+1cc to The Special Government Pleader in SR.No.77632

gk  
AE/JC/SAR2/21.09.2017/3P/6C

**ORDER MADE IN  
W.P(MD)No.16718 of 2017  
07.09.2017**