

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2018
CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.839 of 2018
and
WMP.No.1005 of 2018

N.Gopikrishnan
S/o.N.Venkatesalu

.. Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Commissioner
Hindu Religious and Endowment Department
Nungambakkam High Road,
Chennai-600 034.

2. The Joint Commissioner
Sri Parthasarathy Swamy Thirukoil
Triplicane, Chennai-600 005.

3. The Assistant Commissioner /
Executive Officer / Fit person
Sri Parthasarathy Swamy Thirukoil,
Triplicane, Chennai-600 005.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to quash the order dated 21.12.2017 in Na.Ka.No.40761/2017/R2 passed by the 1st respondent and directing the 3rd respondent to consider the petitioner's request for granting tenancy in his favour by fixing the fair rent or with other conditions, in respect of the demised premises.

For Petitioner : Mr.T.Velumani

For Respondents : Mr.M.Maharaja

Special Government Pleader for R1 & R2
Mr.A.K.Sriram, for R3

O R D E R

This writ petition is filed challenging the order of the first respondent dated 21.12.2017 arising out of eviction

proceedings initiated under Section 78 of the Hindu Religious and Charitable Endowment Act.

2. As against the said order, further remedy of filing revision / appeal before the Government is available to the petitioner and therefore, he has to exhaust such remedy.

3. The learned counsel for the petitioner fairly submitted that the petitioner will file such revision/appeal before the Government within a period of two weeks.

4. Granting such liberty, this writ petition is disposed of, without expressing any view on the merits of the matter. Since, this Court, while hearing the writ petition on 12.01.2018, directed the respondents not to take any coercive steps against the petitioner till this day, the respondents are directed once again not to take any coercive steps against the petitioner, further for a period of two weeks from today, so as to enable the petitioner to approach the Government and file appropriate petition as stated above. If any such appeal / revision is filed before the Government, the same shall be considered and decided on its own merits and in accordance with law, as this Court is not expressing any view on the merits of the matter. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The State of Tamil Nadu
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Sri Parthasarathy Swamy Thirukoil,

Triplicane, Chennai-600 005.

+lcc to Mr.T.Velumani, Advocate, S.R.No.6182

W.P.No.839 of 2018

MR(CO)
RRK(29/01/2018)



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