

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9818 of 2018

Union Weldtech Company
represented by its Partner
Mrs.G.Sunitha
No.16A, Kaveri Street
Rajaji Nagar, Villivakkam
Chennai 600 049

.. Petitioner

-vs-

1. The Commissioner
Hindu Religious & Charitable
Endowments Department
Nungambakkam High Road
Chennai 600 034

2. The Executive Officer
Thiruvallieswarar Temple
Padi
Chennai 600 050

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to remove the notice board put up by them claiming right in front of the petitioner's property situated at Door No.152/158, Raja Street, Padi, Chennai-50.

For Petitioner :: Mr.S.Thiruvengadam

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

ORDER

The petitioner claims to be the absolute owner of the property bearing Door No.152/158, Raja Street, Padi, Chennai 600 050 covered in Survey No.303/1 having an extent of 15,912 sq.ft., which was purchased from M/s Jayaswathy Construction Private Limited. Learned counsel for the petitioner submitted that after purchasing the said property, the petitioner has been in peaceful possession and enjoyment of the same. While so, on 17.3.2018, a notice board was suddenly kept outside the petitioner's property by the respondents, as if the land belongs to Thiruvallieswarar temple. Immediately the petitioner sent a

representation on 21.3.2018 requesting the respondents to remove the notice board. The learned counsel for the petitioner further submitted that after filing the writ petition, the petitioner was issued with a notice dated 7.4.2018, signed on 11.4.2018, informing the petitioner that an enquiry will be conducted in respect of the grievance. The learned counsel also submitted that the petitioner is prepared to take part in the enquiry by placing all the documents supporting their case, but the petitioner should be given audience by the Joint Commissioner (Enquiry).

2. The learned Special Government Pleader for the respondents, agreeing to the said request, fairly submitted that the petitioner will be given an opportunity of personal hearing in the said enquiry.

3. Recording his statement, this writ petition is disposed of making it clear that the petitioner shall be given a personal hearing in the enquiry to be conducted by the Joint Commissioner (Enquiry). The respondents are directed to maintain status quo till the enquiry is completed by the Joint Commissioner (Enquiry). Consequently, W.M.P.No.11743 of 2018 is closed. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Commissioner
Hindu Religious & Charitable
Endowments Department
Nungambakkam High Road
Chennai 600 034

2. The Executive Officer
Thiruvallieswarar Temple
Padi
Chennai 600 050

+ 1 cc to M/s. S. Thiruvengadan, Advocate Sr.29674

W.P.No.9818 of 2018

NRI(CO)
EU(10/05/2018)