

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:22.02.2018

C O R A M

THE HON'BLE Mr.JUSTICE K. RAVICHANDRABAABU

W.P.No.2792 of 2018
and
W.M.P No.3442 of 2018

S.Duraisamy

...Petitioner

vs

- 1.The Principal Secretary to Government,
Department of Tourism, Culture & Religious Endowments,
Fort St.George,
Chennai 600 009.
- 2.The Commissioner,
HR & CE Department,
Uthamar Gandhi Road,
Nungambakkam,
Chennai 600 034.
- 3.The Joint Commissioner HR & CE,
Commercial Tax Building, Ground Floor,
Dr.Balasundaram Road,
Coimbatore 641 018.
- 4.The Assistant Commissioner,
HR & CE,
Commercial Tax Building, Ground Floor,
Dr.Balasundaram Road,
Coimbatore 641 018.
- 5.U.Jeegadeesan,
Hereditary Trustee,
Arulmigu Balamalai Aranganathar Thirukoil,
Balamalai-Nayakan Pallayam Post,
Coimbatore Taluk,
Coimbatore 641 020.

...Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorari to call for the records of the fourth respondent proceeding in Na.Ka.No.768/2000/A7 dated 23.01.2018 and quash the same.

For petitioner : P.Saravana Sowmiyan

For Respondents : Mr.M.Maharaja for R1 to R4
Special Government Pleader
Mr.G.Sumithra for R5

O R D E R

The petitioner is aggrieved against the order of the fourth respondent dated 23.01.2018, calling upon the petitioner to remove his belongings in the subject matter property, since possession was scheduled to take place on 09.02.2018.

2.Heard both sides.

3.The grievance of the petitioner before this Court is that the fourth respondent is not entitled to pass such an order, when the petitioner has already approached the first respondent and filed an appeal arising out of an order passed under Section 78 of H.R & C.E Act. Therefore, he submitted that till the appeal is disposed of by the first respondent, the petitioner shall not be disturbed.

4. After notice, today the matter is taken up for further hearing. Both sides represent that the appeal filed by the petitioner is already numbered before the first respondent and likely to be disposed of at an early date.

5. Considering the above stated facts and circumstances and more particularly, the fact that the appeal filed by the petitioner before the first respondent challenging the order of eviction is pending, this writ petition is disposed of, without expressing any view on the merits of the matter, only with a direction to the first respondent to consider the appeal and pass orders on the same on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. Till an order is passed by the first respondent, the status quo as on today shall be maintained by the other parties. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vri

To

1.The Principal Secretary to Government,
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Chennai 600 009.

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Coimbatore 641 020.

+lcc to Mr.G.Sumitra, Advocate, S.R.No.13544
+lcc to Mr.P.Saravanan, Advocate, S.R.No.13710
+lcc to the Government Pleader, S.R.No.14601

RRK(01/03/2018)

W.P.No.2792 of 2018

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