



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 20.03.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)Nos.5825 and 5826 of 2018

and

W.M.P.(MD)Nos.5688 and 5689 of 2018

G.Jeyaraj

...Petitioner in W.P.(MD)No.5825 of 2018

J.Gowri

...Petitioner in W.P.(MD)No.5826 of 2018

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam, Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Office of the Joint Commissioner,
No.1, West Chithirai Street,
NTC Building Upstairs,
Madurai-625 001.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Office of the Assistant Commissioner,
Jawans Building, West Veli Street,
Near Railway Station Junction,
Madurai-625 001.
- 4.The Fit Person / Deputy Commissioner,
A/m. Paandi Muneeswarar Temple,
Melamadai, Madurai North Taluk,
Madurai District-626 020.
Also the Executive Officer / Deputy Commissioner,
A/m. Subramana Swamy Temple, Tirupparankundram.
...Respondents in both petitions

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent herein / Revision Authority to hear the Stay Application in R.P.No.32 and 33 of 2018 before deciding the main Revision Petition in R.P.32 and 33 of 2018, respectively, in accordance with Section 21 (6) of Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 within the time stipulated by this Court.



For Petitioners : Mr.D.Nallathambi
For R1 to R3 : Mr.Aayiram K.Selvakumar,
Additional Government Pleader
For R4 : Mr.V.R.Shanmuganathan,
Special Government Pleader
(for both petitions)

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ORDER

According to the petitioners, against the order passed by the second respondent under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959, to evict the petitioners from the lease hold shops, the petitioners filed Revision petition before the first respondent / The Commissioner of H.R. & C.E. under Section 21 of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959. Along with the revision petition the petitioners also filed application to stay the operation of the order passed by the second respondent under Section 21 (6) of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959. Now both the revision as well as the stay petition are pending with the first respondent. In the mean time the second respondent taken steps to evict the petitioners from the lease hold shops. In the above circumstances, the petitioners filed the present writ petitions seeking a direction to the first respondent to dispose of the stay petition filed by the petitioners expeditiously.

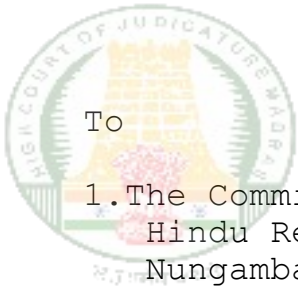
2.The learned counsel appearing for the respondents, on instructions, submitted that already the main revision petition along with the stay petition are posted for hearing before the Commissioner on 17.04.2018. In the mean time the petitioner filed the present writ petition, which is not maintainable.

3.Considering the fact that already the revision petition is pending with the first respondent along with the stay petition and both the revision petition and the stay petition are posted for hearing before the first respondent on 17.04.2018, the first respondent is directed to dispose of both the revision petition and the stay petition on that date and if the main revision could not be disposed of on that day, the first respondent is directed to dispose of the stay petition on 17.04.2018. Till the orders passed on the stay petition, the second respondent directed not to take any steps to evict the petitioners from the lease hold shop.

4.Accordingly, these writ petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(Crl.Side)

/True copy/



To

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Nungambakkam, Chennai.

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4.The Fit Person / Deputy Commissioner,
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Madurai District-626 020.
Also the Executive Officer / Deputy Commissioner,
A/m. Subramana Swamy Temple, Tirupparankundram.

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.56948

+1CC TO M/S.D.NALLATHAMBI, ADVOCATE, SR NO.56717

W.P. (MD) Nos.5825 and 5826 of 2018
20.03.2018

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MS/KKR/SAR-1/12.04.2018/3P.7C