

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.6297 of 2019

and

W.M.P.Nos.7141, 7142 & 7144 of 2019

1. M.S.Karthik

2. Kalyani

3. C.Gowtham

4. Ramya

...Petitioners

Vs.

1. The Commissioner,
Hindu Religious & Charitable Endowments Department,
No.119, Nungambakkam High Road,
Chennai - 600034.

2. The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
No.119, Nungambakkam High Road,
Chennai - 600034.

3. The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
No.119, Nungambakkam High Road,
Chennai - 600034.

4. The Fit Person/Executive Officer,
A/m. Raman Chetty Arakattalai,
Thiruvanmiyur, Chennai - 600041.
Attached to A/m. Marundheeswarar Temple,
Thiruvanmiyur, Chennai - 600041.

5. M.Kamala

6. M.Shanmugam

7. S.Kavitha

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from dispossessing the petitioner from the land and superstructure an extent of 5002 sq.ft., comprised in T.S.No.28, Old S.No.197/2, situated at Thiruvanniyur Village, Velacherry Taluk, Chennai District, bearing Door No.3/35, North Mada Street, Thiruvanniyur, Chennai - 600041 till the disposal of the Revision Petition in R.P. R.C.No.11238/2019 pending on the file of the 1st respondent.

For Petitioner : Mr.V.Srikanth

For Respondents : Mr.M.Maharaja
Special Government Pleader
for R1 to R4
Mr.E.Ganesh for R5 to R7

O R D E R

The petitioner seeks for a Mandamus, forbearing the respondents from dispossessing the petitioner from the land and superstructure an extent of 5002 sq.ft., comprised in T.S.No.28, Old S.No.197/2, situated at Thiruvanniyur Village, Velacherry Taluk, Chennai District, bearing Door No.3/35, North Mada Street, Thiruvanniyur, Chennai - 600041 till the disposal of the Revision Petition in R.P. R.C.No.11238/2019 pending on the file of the 1st respondent.

2. Heard Mr.V.Srikanth, learned counsel appearing for the petitioner, Mr.M.Maharaja, learned Special Government Pleader appearing for the respondents 1 to 4 and Mr.E.Ganesh, learned counsel appearing for the respondents 5 to 7.

3. It is seen that the 2nd respondent-Joint Commissioner, Hindu Religious & Charitable Endowments Department passed an order of eviction against the respondents 5, 6 and 7 and such Eviction Order is put to challenge before the 1st respondent-Commissioner, by way of filing Revision Petition by the respondents 5 to 7. However, the grievance of the petitioners before this Court is that the schedule of property shown in the Eviction Order passed against the respondents 5 to 7 includes the property, where the petitioners reside. Therefore, it is stated that the petitioners have also approached the 1st respondent and filed Revision Petition. Now, it is contended that pending disposal of the Revision filed by the petitioners as well as the respondents 5 to 7, they should not be disturbed from the subject matter property.

4. The learned counsel appearing for the HR&CE Department submitted that the Revision filed by the petitioner as well as the respondents 5 to 7 will be taken up by the first respondent

and decided on merits and in accordance with law within the time fixed by this Court.

5. Considering the above stated facts and circumstances, this Writ Petition is disposed of, only by directing the first respondent-Commissioner to dispose the Revision Petition filed by the petitioners as well as the respondents 5 to 7 on merits and in accordance with law within a period of twelve 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 all the parties. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

sni/vri

To

1. The Commissioner,
Hindu Religious & Charitable Endowments Department,
No.119, Nungambakkam High Road,
Chennai - 600034.
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Hindu Religious & Charitable Endowments Department,
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Hindu Religious & Charitable Endowments Department,
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4. The Fit Person/Executive Officer,
A/m. Raman Chetty Arakattalai,
Thiruvanmiyur, Chennai - 600041.
Attached to A/m. Marundheeswarar Temple,
Thiruvanmiyur, Chennai - 600041.

+1cc to Mr.V.Srikanth, Advocate, S.R.No.26558
+1cc to the Government Pleader, S.R.No.27688
+1cc to Mr.E.Ganesh, Advocate, S.R.No.26559

W.P.No.6297 of 2019

KS (CO)
RRS (03/05/2019)