

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.07.2019

CORAM:

THE HON'BLE MR. JUSTICE P.D.AUDIKESSAVALU

W.P. No. 21545 of 2019
and
W.M.P. No. 20737 of 2019

Sallimuthu

... Petitioner

-vs-

1. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Uththamar Gandhi Salai,
Chennai.
 2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Coimbatore District.
 3. The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Tiruppur District.
 4. The Executive Officer,
Arulmigu Subramaniasami Thiru Koil,
Sivan Malai,
Tiruppur District. (Incharge of)
Arulmigu Kaadaiyeeswarar Temple,
Kaadayur Village, Kangeyam Taluk,
Tiruppur District.
- ... Respondents

Writ Petition filed under Article 226 of Constitution of India, seeking for a Writ of Mandamus, forbearing the Respondents, their men, or servants or agents or any one claiming under them from in any manner taking any coercive steps evicting or dispossessing the Petitioner from peaceful enjoyment and possession of the property Survey No. 402/1 at Door No. 5/54, Kaadayur Post, Kangeyam Taluk, Tiruppur District.

For Petitioners : Ms. G. Sumitra

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

O R D E R

The Petitioner, who is in occupation of shops in the premises of Arulmighu Kaadaiyeeswarar Temple, Kaadayur Village, Kangeyam Taluk, Tiruppur District, suffered order of eviction dated 09.05.2019 passed by the Second Respondent, in the exercise of powers under Section 80 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, and now claim to have preferred revision in R.P. No. 190 of 2019 under Section 81 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, before the First Respondent. In the Writ Petition, it is claimed that till the aforesaid revision is disposed, coercive steps for evicting and dispossessing the Petitioner from peaceful enjoyment of that property should not be taken.

2. Heard Ms. G. Sumitra, Learned Counsel appearing for the Petitioners and Mr. M. Maharaja, Learned Special Government Pleader appearing on behalf of the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

3. The Learned Special Government Pleader appearing for the Respondents, on instructions, submitted that the aforesaid revision would be decided by the First Respondent expeditiously within a period of twelve weeks.

4. Recording the aforesaid submission made, the First Respondent shall ensure to dispose the revision preferred by the Petitioner after giving full opportunity of hearing and considering each of their contentions by passing reasoned orders on merits and in accordance with law and communicate the same to the Petitioner.

5. It is further informed by the Learned Special Government Pleader, on instructions, that till the aforesaid revision is disposed by the First Respondent, coercive action for dispossessing the Petitioner shall not be taken by the Respondents. However, this would not preclude the Petitioner from performing his legal obligations including payment of rents due and complying with the directions issued by the concerned authorities including maintenance of the premises in a clean and hygienic manner for public safety and convenience, failing

which necessary action for enforcement of the same may be taken against the Petitioner in accordance with law.

6. The Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

ebsi/maya
To

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Uththamar Gandhi Salai, Chennai.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Coimbatore District.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Tiruppur District.
4. The Executive Officer,
Arulmigu Subramaniasami Thiru Koil,
Sivan Malai, Tiruppur District. (Incharge of)
Arulmigu Kaadaiyeeswarar Temple,
Kaadayur Village, Kangayam Taluk,
Tiruppur District.

+1cc to Ms. G. Sumitra, Advocate SR.No. 63299
+1 cc to Government Pleader Sr.No. 65196

W.P. No. 21545 of 2019

A.SK(27/08/2019)

WEB COPY