

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2019

CORAM

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

W.P. No. 20822 of 2019
and
W.M.P. No. 20021 of 2019

N.K.M. Ganapathy

... Petitioner
Vs.

1. The Commissioner,
Hindu Religious and Charitable
Endowment (Admin.) Department,
Nungambakkam, Chennai - 600 034.
2. The Assistant Commissioner,
Hindu Religious and Charitable
Endowment (Admin.) Department,
Office at Vadapalani Andavar Thirukoil,
Vadapalani, Chennai - 600 026.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbear the Respondents from taking any coercive action to evict the Petitioner from his residential portion, to an extent of 1800 square feet situated within the property, Old No.61, New No.8, Dr. Ranga Road, Alwarpet, Chennai - 18, without following the due process of law.

For Petitioner : Mr. P. Thiagarajan

For Respondents: Mr. M. Maharaja

Special Government Pleader (HR & CE)

ORDER

Mr. M. Maharaja, Learned Special Government Pleader, who takes notice for the Respondents, on instructions, states that any action to evict the Petitioner from the premises, which he is unlawfully occupying, would be taken in the manner recognized by law and the concerned authorities cannot be prevented from performing their statutory obligations at the behest of the Petitioner through this Writ Petition.

2. When it is pointed out that the relief sought in the Writ Petition would not arise for consideration in the light of the aforesaid submissions made, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to seek necessary relief to protect the possession of the property claimed by the him in a suit before the jurisdictional Civil Court, if necessary, and he has made an endorsement to that effect, which is recorded.

3. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. It is hastened to clarify here that no view has been expressed by this Court on the entitlement or correctness of the claim made by the Petitioner in this regard. Consequently, connected Miscellaneous Petition is closed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

may
To

1. The Commissioner,
Hindu Religious and Charitable
Endowment (Admin.) Department,
Nungambakkam, Chennai - 600 034.
2. The Assistant Commissioner,
Hindu Religious and Charitable
Endowment (Admin.) Department,
Office at Vadapalani Andavar Thirukoil,
Vadapalani, Chennai - 600 026.

+1 CC to Govt. Pleader sr 61518.

W.P.No.20822 of 2019

NR(CO)
SP(16/08/2019)

WEB COPY