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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.04.2019
CORAM:
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
W.P.(MD)No.2737 of 2019
and
W.M.P(MD).Nos.2078 and 2079 of 2019

P.Arumugathai ... Petitioner

Vs

1.The Chief Secretary to the Government,
The State of Tamil Nadu,
Hindu Religious and Charitable Endowments,
Secretariat, Fort George, Chennai.

2.The Commissioner,
Hindu Religious and Charitable Endowments,
No.119, Uthamar Gandhi Salai,
Nungampakkam, Chennai-600 032.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Palayamkottai, Tirunelveli.

4.The Executive Officer,
Arulmigu Nellaiappar, Arultharum
Gandhimathiamman Thirukovil,
Tirunelveli Town, Tirunelveli District. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned circulars of the respondents 1 and 2 dated 13.02.2018 and 14.03.2018 and the consequential impugned orders of the fourth respondent in Na.Ka.No.7/2018 dated 15.03.2018 and 18.01.2019 and quash the same and consequently direct the respondents not to evict the petitioner from the Shop No.48-E.

For Petitioner : Mr.H.Arumugam

For R1 to R3 : Mr.M.Rajarajan
Government Advocate

For R4 : Mr.M.Karthikeya Venkatachalapathy

ORDER

It is admitted by the learned counsel on either side that the writ petitioner herein is a tenant under the fourth respondent temple. He was facing eviction pursuant to the Circular dated 14.02.2018 issued by the Commissioner, Hindu Religious and Charitable Endowment Department, Chennai. The said circular has been set aside by the Hon'ble Supreme Court in Civil Appeal No.3461-3505 of 2019 dated 08.04.2019. Therefore, the case on hand will

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also have to be necessarily allowed. The orders impugned in this writ petition stands quashed. However, as observed by the Hon'ble Supreme Court, the temple Management is at liberty to proceed in the matter of eviction strictly in accordance with law.

2. With the above observations, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(Crl.Side)

/TRUE COPY/

Sub Assistant Registrar(CS)

To

1.The Chief Secretary to the Government,
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Hindu Religious and Charitable Endowments,
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Arulmigu Nellaiappar, Arultharum
Gandhimathiamman Thirukovil,
Tirunelveli Town, Tirunelveli District.

+1 CC to M/s.S.MADHAVAN, Advocate (SR-61962[F] dated 23/04/2019)

+1 CC to M/s.SPL GP (SR-62124[F] dated 24/04/2019)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-62179[F] dated 24/04/2019)

W.P.(MD)No.2737 of 2019
23.04.2019

CS: 14/05/2019/2P/8C

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