

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2020

CORAM

THE HONOURABLE Dr. JUSTICE ANITA SUMANTH

W.P.No.5445 of 2020

and

WMP.Nos.6368, 6370 & 6371 of 2020

VMS Pachaiappan

.. Petitioner

Vs.

1. Commissioner,
H.R. & C.E., Department,
Mahatma Gandhi Road,
Nungambakkam, Chennai - 600 050.
2. Joint Commissioner,
H.R. & C.E., Department,
Mahatma Gandhi Road,
Nungambakkam, Chennai - 600 050.
3. Assistant Commissioner,
H.R. & C.E., Department,
Mahatma Gandhi Road,
Nungambakkam,
Chennai - 600 050.
4. Executive Officer,
Arulmigu Thiruvaleeswaran Thirukovil,
Padi, Chennai.
5. The Hereditary Trustee,
Arulmigu Thiruvaleeswaran Thirukovil,
Padi, Chennai.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the issuance of order dated 29.10.2019 passed in R.P.No.32/2019 by the first respondent which confirm the order dated 07.12.2018 passed by the second respondent in M.P.No.192/2007 and quash the same consequently direct the respondents 1 to 5 herein to surrender vacant possession of Plot No.46-A, Door No.29-A, Thirugnanasambanthar Street, Jagadambigai Nagar, Padi, Chennai-600 050 to the petitioner within a stipulated period and grant such other suitable relief as this Court may deem fit and proper.

For Petitioner : Mr.C.Umashankar
For Respondents: Mr.M.Karthikeyan
Special Government Pleader

ORDER

In the light of memo dated 04.03.2020 as below,

'The above named petitioner begs to submit that he may be permitted to withdraw the above Writ Petition without prejudice to his rights in the property Viz., Plot No.46-A, Door No.29-A, Thirugnanasambanthar Street, Jagadambigai Nagar, Padi, Chennai-600 050 and also with liberty to file a Civil suit raising all the contentions available to him in accordance with law, challenging the action of the HR&CE Department and also for declaration of his title and for damages in the said suit and pass such other suitable order and thus render justice.'

the petitioner is permitted to withdraw the writ petition with liberty as sought. By consent, it is directed that the petitioner be granted access to the property at Plot No.46-A, Door No.29-A, Thirugnanasambanthar Street, Jagadambigai Nagar, Padi, Chennai-600 050 on **22.03.2020 and 23.03.2020*** between 10.30 a.m. and 05.30 p.m. enable him to remove therefrom such essential articles as he may require.

2.This writ petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CS V)
dt. 12/03/2020

Amended as per the order
dated 23.03.2020 made in WP.5445/2020 and WMP.6368,6370,
6371/2020

True Copy
WEB COPY

s/d-
Assistant Registrar(CS V)
dt. 23/06/2020

Sub-Assistant Registrar

vs

To

1. Commissioner,
H.R. & C.E., Department,
Mahatma Gandhi Road,
Nungambakkam,
Chennai - 600 050.

2. Joint Commissioner,
H.R. & C.E., Department,
Mahatma Gandhi Road,
Nungambakkam,
Chennai - 600 050.

To be substituted as per
the order dated 23.03.2020
already dispatched on
16.3.2020

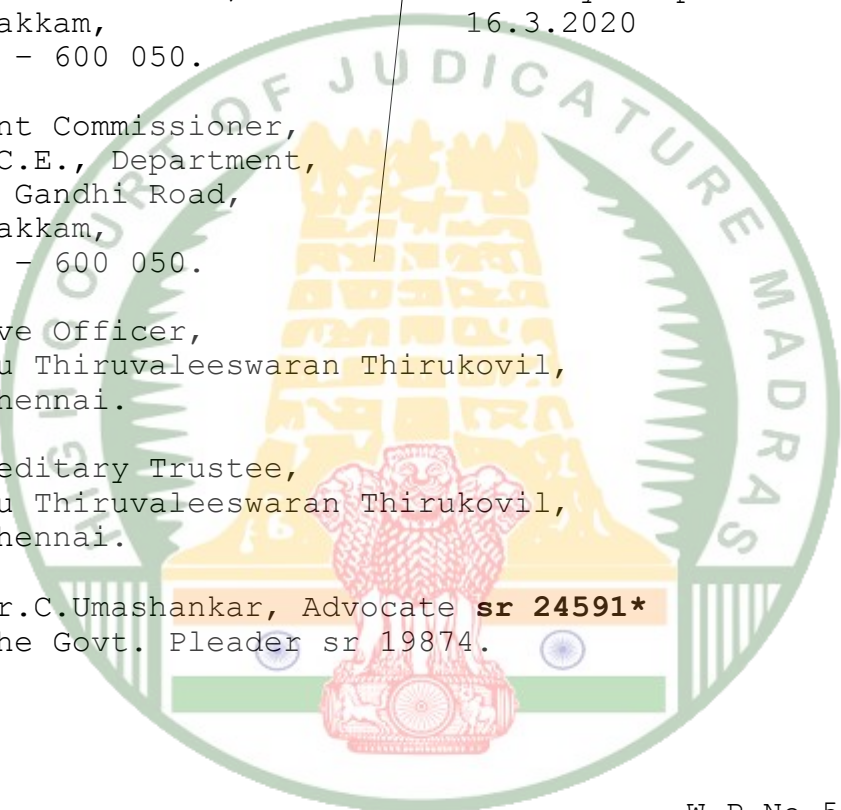
3. Assistant Commissioner,
H.R. & C.E., Department,
Mahatma Gandhi Road,
Nungambakkam,
Chennai - 600 050.

4. Executive Officer,
Arulmigu Thiruvaleeswaran Thirukovil,
Padi, Chennai.

5. The Hereditary Trustee,
Arulmigu Thiruvaleeswaran Thirukovil,
Padi, Chennai.

+1 CC to Mr.C.Umashankar, Advocate **sr 24591***

+1 CC to The Govt. Pleader sr 19874.



W.P.No.5445 of 2020
and

WMP.Nos.6368, 6370 & 6371 of 2020

SPD(CO)
SP(12/03/2020)

WEB COPY