

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2020

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH`

W.P.No.27951 of 2019
and WMP.No.27538 of 2019

K.Senthilkumar

...Petitioner

Vs

- 1 The Commissioner
Hindu Religious and Charitable Endowment Department
Nungambakkam Chennai - 600034
- 2 The Joint Commissioner
Hindu Religious and Charitable Endowment Department
Nungambakkam Chennai - 600034
- 3 Assistant Commissioner
Hindu Religious and Charitable Endowment Department
Nungambakkam Chennai - 600034
- 4 The Executive Officer
Arulmigu Agatheeswara Swamy Thirukoil
Villivakkam Chennai - 600049

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, forbearing the respondents 1 to 3 from evicting the petitioner from the land superstructure to and in extend of 3227 Sq.feet at No. 181 M.T.H. Road Villivakkam Chennai 49 pending disposal of the appeal before the 1st respondent in N.Dis No. 48555/ 2019 D2 dated 03.08.2019.

For Petitioner : Ms.G.Devi

For Respondents: Mr.M.Karthikeyan,
Special Government Pleader
- R1 to R3
Mr.A.K.Sriram - R4

O R D E R

The petitioner has complied with order dated 19.12.2019 and has remitted a sum of Rs.10,00,000/-. This is confirmed by Mr.A.K.Sriram, learned counsel for R4/Temple.

2. There is no clarity on the position as to whether the appeal filed has been numbered. While the petitioner would submit that it is awaiting numbering, Mr.M.Karthikeyan, learned Special Government Pleader would maintain that the appeal has been returned as defective and has not been re-presented thereafter.

3. Merely for this reason, I do not see why the Writ Petition should be kept pending. The petitioner will re-present the appeal along with the stay application within a period of three (3) weeks from today. The same shall be numbered, heard and disposed by the Commissioner within a period of three (3) weeks from date of institution of appeal. Till such time, the petitioner shall not be disturbed from the property in question situate at No.181 MTH Road, Villivakkam, Chennai-49.

4. While the disposing the stay application, the Commissioner is at liberty to impose such conditions as he may think fit, including calling for the deposit of the balance of the rental arrears or any portion thereof.

5. With these directions, this writ petition is disposed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 The Commissioner
Hindu Religious and Charitable Endowment Department
Nungambakkam Chennai - 600034
- 2 The Joint Commissioner
Hindu Religious and Charitable Endowment Department
Nungambakkam Chennai - 600034
- 3 The Assistant Commissioner
Hindu Religious and Charitable Endowment Department
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- 4 The Executive Officer
Arulmigu Agatheeswara Swamy Thirukoil
Villivakkam Chennai - 600049

+lcc to Mr.A.S.Kailasam & Associates, Advocate in Sr.29540

+lcc to Mr.Richardson Wilson, Advocate in Sr.29458

+lcc to Ms.G.Devi V.Venkatesan, Advocate Sr.29459 [02/12/2020]

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SSI (CO)
RV (05/11/2020)



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