



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.11411 of 2020

WEB COPY

J.Gowri

... Petitioner

Vs.

1.The Principal Secretary,
State of Tamil Nadu,
Department of Hindu Religious and Charitable Endowments Board,
St.George Fort,
Chennai.

2.The Commissioner,
HR&CE,
No.119, Uthamar Gandhi Salai,
Nungambakkam High Road,
Nungambakkam,
Chennai-600034.

3.The Joint Commissioner,
HR & CE, Madurai,
Office of the Joint Commissioner,
No.1, West Chithirai Street,
NTC, Building Upstairs,
Madurai.

4.The Assistant Commissioner,
HR & CR Madurai,
Office of the Assistant Commissioner,
Jawans Building, West Vali Street,
Near Railway Station Junction,
Madurai-1.

5.R.Lakshmi

6.Ponnu Pandian

7.Jayaveera Pandi

8.Rajesh Pandi

9.Rishi Pandi

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 3 to 9 respondents herein not to implement the order of eviction passed by the second respondent herein in R.P.No.32/2018, dated

<https://hcservices.ecourts.gov.in/hcservices/>



13.05.2020 signed on 30.08.2020 in respect of Shop Nos.1 & 2 of Arulmigu Pandi Muneeshwarar Temple, Melamadai, Madurai till the disposal of the revision dated 05.09.2020 filed by the petitioner before the first respondent within a time stipulated by this Court.

For Petitioner : Mr.D.Nallathambi
For R1 to R4 : Mr.K.P.Narayanakumar
Special Government Pleader

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for R1 to R4.

2.Considering the nature of relief to be granted, notice to R5 to R9 is dispensed with.

3.The petitioner is a tenant under the petition mentioned temple. He suffered an order of eviction at the hands of the third respondent and the same was also confirmed by the second respondent. The second respondent passed the order on 13.05.2020 and signed the same on 30.08.2020. The petitioner is said to have filed a review petition before the Government/R1 on 05.09.2020.

4.Since the the petitioner is entitled to exhaust the statutory remedy available to her under Section 114 of the HR & CE Act, it will not be proper on the part of the official respondents to enforce the adverse order earlier passed against the petitioner herein. At the same time, the petitioner cannot indefinitely be dragging on the proceedings.

5.The first respondent is directed to number the review petition filed by the petitioner herein without delay and conclude the same on merits and in accordance with law within a period of sixteen weeks from the date of receipt of a copy of this order. Till the first respondent passes final order in the review petition, the order earlier passed by the third respondent and confirmed by the second respondent will not be given effect to.

6.The Writ Petition is disposed of on these terms. No costs.

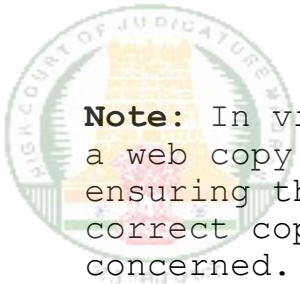
Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To:-

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Madurai-1.

+1 CC to Mr.D.NALLATHAMBI, Advocate SR-16690.
+1 CC to the Spl GP SR-16966.

W.P. (MD) No.11411 of 2020
11.09.2020

CS (22.09.2020) 3P 7C