



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.29492 of 2016
and
WMP. No.25546 of 2016

R.Jayaraman

Vs.

... Petitioner

1. The Commissioner,
HR&CE Department,
Nungambakkam High Road, Chennai-600 034.
2. The Joint Commissioner,
HR&CE Department,
Nungambakkam High Road, Chennai-600 034.
3. The Assistant Commissioner,
HR&CE Department,
Nungambakkam High Road, Chennai-600 034.
4. The Executive Officer,
Arulmigu Pachaiaamman Temple,
Perumal Mudali Street,
Anna Salai, Chennai-600 002.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of certiorarified mandamus calling for the records of the respondents resulting in the impugned order of the first respondent in D.Dis.R.P.No.104/2016/D2 dated 13.5.2016 confirming the order passed of the 2nd respondent passed in Rc.No.14893/2008/A2 dated 10.6.2015 and quash the same and direct the respondents to restore the possession of the property situated at Door No.32, Perumal Mudali Street, comprised in Survey No.93, Block No.1, Anna Salai, Chennai-600 002 to the petitioner.

For Petitioner : Mr.A.Ilango

For Respondents : Mr.NRR.Arun Natarajan
Government Advocate





6. In the present case, the respondents would aver that the petitioner was duly served with a copy of the order by post. However no proof has been produced before me in this regard. Be that as it may, the petitioner has obtained a copy of the order impugned from the office of the Joint Commissioner/R2 and challenged the same by way of petition, albeit filed with delay. The Revision Petition has been entertained by R1, who has, considering the admitted facts involved, dismissed the same on merits and not on the ground of delay. Thus, the objection as regards service is not material as the petitioner has had sufficient opportunity to challenge the order in appeal.

7. Moreover, there are concurrent findings of fact in the orders of the Joint Commissioner as well as Commissioner to the effect that there is no valid arrangement qua the petitioner and the temple in regard to the property in question, the petitioner has been utilising the property for commercial purposes without paying the rent for several years and the temple has taken possession of the property on 29.01.2016.

8. In light of the discussion as above, I see no merit whatsoever in this writ petition and dismiss the same. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vs

To

1. The Commissioner,
HR&CE Department,
Nungambakkam High Road, Chennai-600 034.
2. The Joint Commissioner,
HR&CE Department,
Nungambakkam High Road, Chennai-600 034.
3. The Assistant Commissioner,
HR&CE Department,
Nungambakkam High Road, Chennai-600 034.



4. The Executive Officer,
Arulmigu Pachaiaamman Temple,
Perumal Mudali Street,
Anna Salai, Chennai-600 002.

WEB COPY

+1cc to M/s.A.Inango, Advocate, S.R.No.34785

W.P.No.29492 of 2016 and
WMP. No.25546 of 2016

JP-II (CO)
SU(17/09/2021)