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W.P. No. 23869 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 23869 of 2014

and

M.P. No. 1 of 2014

K. Ravikumar

... Petitioner

-VS-

The Executive Officer,
Arulmigu Thiruvalleeswarar ThiruKoil,
Padi, Chennai – 600 050.
Respondent

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, to call for the records connected with the Notice dated 12.08.2014 issued by the Respondent and quash the same and direct the Respondent allow the Petitioner to continue in the Petitioner's premises i.e. No. 208, Anna Street, Devar Nagar, Chennai – 600 050.

For Petitioner : Mr. S.Ilamvaludhi

For Respondent : Mr. K.Karthikeyan,
Government Advocate



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ORDER

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Heard Mr. S.Ilamvaludhi, Learned Counsel for the Petitioner and Mr. K.Karthikeyan, Learned Government Advocate appearing for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The mother of the Petitioner, viz., Renukammal, was in occupation on lease for residential purpose in respect of the property situated at No.208, Anna Street, Devar Nagar, Chennai – 600050 measuring an extent 1584 square feet in Survey No.271, Padi Village belonging to the Temple of the Respondent. The said Renukammal died on 22.02.2014, but the Respondent has issued an order dated 12.08.2014 in her name to stop construction in that property without obtaining necessary permission from the concerned authority. This Writ Petition is filed challenging the said order contending that it has been passed in the name of a dead person and for allowing the Petitioner to continue to reside in that property.

3. There is considerable force in the contention of the Petitioner that the impugned order in the name of a dead person is nullity, but it would not preclude



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the Respondent from taking any further action in respect of the property against the persons, who are in occupation (including the Petitioner) in accordance with law. It is needless to add here that no view has been expressed by the Court on the merits of the controversy involved in the matter.

4. In fine, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

13.10.2022

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Index: Yes/No

Note: Issue order copy by 11.11.2022.

To

The Executive Officer,
Arulmigu Thiruvalléeswarar ThiruKoil,
Padi, Chennai – 600 050.



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P.D. AUDIKESAVALU, J.

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