



W.P.No.28811 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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**DATED : 01.11.2022**

**CORAM**

**THE HONOURABLE Ms.JUSTICE R.N.MANJULA**

**W.P.No.28811 of 2022**

K.Sampath

...

Petitioner

/vs/

- 1.The Superintendent of Police,  
Salem,  
Salem District.
- 2.The Deputy Superintendent of Police,  
Chinnamathur,  
Mettur,  
Salem District.
- 3.The Inspector of Police,  
Mecheri Police Station,  
Dharmapuri Main Road, Dharmapuri.
- 4.The Commissioner,  
Hindu Religious and charitable Endowment  
(Administration Department)  
Uthamar Gandhi Road,  
Nungambakkam,  
Chennai 600 034.
5. The Joint Commissioner,



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Hindu Religious and charitable Endowment  
(Administration Department)  
Arulmighu Kottai Mariyamman Temple Compound,  
Salem 636 001.

6.The Assistant Commissioner,  
Hindu Religious and charitable Endowment  
(Administration Department)  
Arulmighu Kottai Mariyamman Temple Compound,  
Salem 636 001.

7.Fit Person/ The Executive Officer,  
Arulmighu Pasupathiswarar Temple,  
Mecheri,  
Mettur Taluk,  
Salem District.

8. K.Mohan Raj ... Respondents

**Prayer :** Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the Respondents 1 to 3 from interfering with the peaceful possession and enjoyment of the building and land ad measuring 11 cents comprised in Survey No.1751/13 situated at Mecheri village, Mettur Taluk, Salem district.

For Petitioner ... Mr.R.Rajarajan

For Respondents 1-7 ... Mr.S.Santhosh,  
Govt. Advocate (Crl.side)



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## **ORDER**

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This Writ petition has been preferred to issue a Writ of Mandamus forbearing the respondents 1 to 3 from interfering with the peaceful possession and enjoyment of the building and land measuring 11 cents comprised in Survey No.175 of 2013 situated at Mecheri Village, Mettur Taluk, Salem District and grant further orders.

2. Since the 8<sup>th</sup> respondent being a private respondent and the relief sought for is only against the respondents 1 and 3 notice against the 8<sup>th</sup> respondent is dispensed.

3. The petitioner has submitted that he is a tenant under the HR&CE Department and the eviction proceedings have been initiated against him under Section 78 of the HR&CE Act and an Eviction order has also been passed, against which, the petitioner has filed a revision in RP.No.34 of 2010 before the Commissioner of HR&CE Department and that was also disposed on 22.9.2011. However the petitioner retained the possession by paying a fair rent fixed by the HR&CE department under Section 34 A(3) of



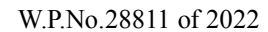
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the HR&CE Act.

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4. According to the petitioner, the 8<sup>th</sup> respondent is a tenant and he had vacated the property and thereafter he filed a writ petition in WP.No.22716 of 2022 seeking a Writ of Mandamus against the department respondents to consider his representation dated 27.07.2022. In the said petition the petitioner was also a party but no notice was served on him. The 8<sup>th</sup> respondent who had vacated of the premises already had managed to get an order in WP.No.22716 of 2022 by suppressing material facts. Aggrieved over that, the petitioner has a filed an Appeal and is that he has filed Civil Miscellaneous Petition to dispense with the production of a certified copy of the order passed in CMP.No.18417 of 2022.

5. Now the grievance of the petitioner is that based on the order obtained by the 8<sup>th</sup> respondent by suppressing material facts, the respondents 1 to 3 are pressurizing the petitioner to vacate the premises in compliance with order dated 01.09.2022 passed in WP.No.22716 of 2022. In this regard the petitioner has also sent a representation to the respondents



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To

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1. The Superintendent of Police,  
Salem, Salem District.
2. The Deputy Superintendent of Police,  
Chinnamathur,  
Mettur, Salem District.
3. The Inspector of Police,  
Mecheri Police Station,  
Dharmapuri Main Road, Dharmapuri.
4. The Commissioner,  
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5. The Joint Commissioner,  
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7. Fit Person/ The Executive Officer,  
Arulmighu Pasupathiswarar Temple,  
Mecheri, Mettur Taluk,  
Salem District.
8. The Public Prosecutor,  
High Court, Madras.



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**R.N.MANJULA, J.**

jrs

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