



W.P. No. 30108 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2023

CORAM

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

W.P. No. 30108 of 2023

and

W.M.P. Nos. 29735 and 29736 of 2023

R.Thiraviam

... Petitioner

-VS-

1. The Commissioner,
HR & CE Department,
Nungambakkam High Road,
Chennai – 600 034.
2. The Joint Commissioner,
HR & CE Department,
Chennai – 600 050.
3. The Executive Officer,
Arulmighu Ekambareswarar Thirukkoil,
Aminjikarai,
Chennai – 600 029.

Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, forbearing the Second and Third Respondents from in any manner sealing and evicting the Petitioner from Shop Nos. 28 & 29 at Pulla Avenue, Shenoy Nagar admeasuring about 1800 sq.ft. pending disposal of revision petition on the file of the First Respondent in R.P. No. 542 of 2022.



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For Petitioner : Mr. S.Ramesh
For Respondents : Mr. N.R.R.Arun Natarajan,
Special Government Pleader

ORDER

Heard Mr. S.Ramesh, Learned Counsel for the Petitioner and Mr. N.R.R.Arun Natarajan, Learned Special Government Pleader, who takes notice for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner is an occupant of the building of an extent of 1800 sq.ft. bearing Shop Nos. 28 and 29 in Pulla Avenue, Shenoy Nagar, Chennai – 600030 belonging to the Third Respondent and an order of eviction from that property has been passed against him under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as 'the Act' for short), in order dated 25.10.2022 in M.P. No. 81/2017/அ3 passed by the Second Respondent. Though the Petitioner has filed a Revision Petition in R.P. No. 542 of 2022 under Section 21 of the Act before the First Respondent against that order, and sought for interim stay, no order has been passed and instead steps have been taken for executing it. In that



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backdrop, the Petitioner has filed this Writ Petition to restrain the Second and Third Respondents from in any manner sealing and evicting the Petitioner till the disposal of the said Revision Petition.

3. Learned Special Government Pleader appearing for the Respondents states that the said Revision Petition has been posted for hearing on 20.12.2023 and in view of the urgency expressed by the Petitioner, the application for interim stay would be taken up for hearing on 18.10.2023 and he has made an endorsement to that effect in the Court record.

4. Having regard that the aforesaid submission made, it shall be incumbent upon the First Respondent, after issuing due notice to all parties concerned and following the prescribed procedure in the enquiry, pass reasoned orders, either interim or final, dealing with each of the contents raised on merits in accordance with law. The Second and Third Respondents shall defer any further action against the Petitioners in respect of the said property till its outcome is informed in writing to the parties in that regard. It is needless to add here that no view has been expressed by this Court on the merits of the controversy involved in the matter.



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In the result, the Writ Petition is disposed on the aforesaid terms.

Consequently, the connected Miscellaneous Petitions are closed. No costs.

16.10.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 20.10.2023.

vjt/pal

To

1. The Commissioner,
HR & CE Department,
Nungambakkam High Road,
Chennai – 600 034.
2. The Joint Commissioner,
HR & CE Department,
Chennai – 600 050.
3. The Executive Officer,
Arulmighu Ekambareswarar Thirukkoil,
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P.D. AUDIKESAVALU, J.

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