



W.P. (MD) No. 7131 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2023

CORAM

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

W.P.(MD) No. 7131 of 2020
and W.M.P. (MD) No. 6571 of 2020

C.Anburaj

... Petitioner

Vs.

1. The Commissioner,
Administrative Department,
Hindu Religious and Charitable Endowment,
Chennai.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Sivagangai Division, Sivagangai.

3. The Joint Commissioner / Executive Officer,
Arulmigu Ramanthaswamy Thirukoil,
Rameswaram, Ramnad District.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned orders passed by the Third Respondent in Na.Ka.No.548/1997/A6 dated 28.02.2020 and Na.Ka.No.548/1997/A6 dated 28.05.2020 and quash the same and issue a consequential direction forbearing the respondents herein from evicting the Petitioner from Shop No.23, East Car Street, Rameswaram.



W.P. (MD) No. 7131 of 2020

WEB COPY

For Petitioner : Ms. Porkodi Karnan
For Respondents 1 & 2 : Mr. P.Subbaraj
Special Government Pleader
For Respondent No.3 : Mr.S.Ramesh

ORDER

Heard Ms. Porkodi Karnan, Learned Counsel for the Petitioner, Mr. P.Subbaraj, Learned Special Government Pleader appearing for the First and Second Respondents and Mr. S.Ramesh, Learned Counsel, appearing for the Third Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who is a tenant of a shop belonging to the temple of the Third Respondent, has challenged the Notices in Na.Ka.No.548/1997/A6 dated 28.02.2020 and 28.05.2020 calling upon him to vacate from the premises occupied by him for carrying out the demolition of the nearby Dhamani building belonging to the Third Respondent. It is accepted by Learned Counsel for both sides that after filing of the Writ Petition, the said Dhamani building has been demolished without evicting the Petitioner from the premises occupied by him. In



W.P. (MD) No. 7131 of 2020

that backdrop, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition and she has made an endorsement to that effect in the court record.

3. It is needless to clarify here that the Respondent is not precluded from taking any fresh action for eviction of the Petitioner from the premises occupied by him in accordance with law and that the Petitioner is also not precluded from contesting the same raising available defences and that no view has been expressed by the Court on the merits of the controversy in that regard.

In the result, the Writ Petition is dismissed as withdrawn with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

21.02.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes /No
PKN

Note: Issue copy of the order by 24.02.2023



W.P. (MD) No. 7131 of 2020

WEB COPY

- To
1. The Commissioner,
Administrative Department,
Hindu Religious and Charitable Endowment,
Chennai.
 2. The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Sivagangai Division, Sivagangai.
 3. The Joint Commissioner / Executive Officer,
Arulmigu Ramanthaswamy Thirukoil,
Rameswaram, Ramnad District.



WEB COPY



W.P. (MD) No. 7131 of 2020

P.D. AUDIKESAVALU, J.

PKN

W.P.(MD) No. 7131 of 2020

Dated : 21.02.2023