



W.P. (MD) No.15871 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEAVALU

W.P. (MD) No. 15871 of 2021

and

W.M.P. (MD) No. 12787 of 2021

N.Selvam

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Departments,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Departments,
Tirunelveli.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Departments,
Nagercoil.
- 4.The Fit Person,
Parvathipuram Udamuttu Dharman,
(The Joint Commissioner / Executive Officer),
Arulmigu Subramaniaswamy Temple,
Tiruchendur, Thoothukudi District.
- 5.The Superintendent of Police,
Nagercoil.



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6.The Deputy Superintendent of Police,
Nagercoil.

7.The Inspector of Police,
Nesamoni Nagar Police Station,Nagercoil.

...Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Mandamus, to forbear the respondents 1 to 4 from evicting the petitioner from the subject property in Door No.300A to 300F, K.P.Road, Parvathipuram, Nagercoil in pursuance of the exparte order dated 30.12.2016 passed in M.P.No.47 of 2016 by the second respondent.

For Petitioner : Mr. J.Barathan

For R1 to R3 : Mr. P.Subbaraj

Special Government Pleader

For R4 : Mr. M.Muthugeethayan

For R5 to R7 : Mr. S.Manikandan

Government Advocate (Crl.Side)

ORDER

Heard Mr. J.Barathan, Learned Counsel for the Petitioner, Mr. P.Subbaraj, Learned Special Government Pleader for the First to Third Respondents, Mr. M.Muthugeethayan, Learned Counsel for the Fourth



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Respondent and Mr. S.Manikandan, Learned Government Advocate (Crl.Side) for the Fifth to Seventh Respondents and perused the materials placed on record apart from the pleadings of the Petitioner.

2. The grievance of the Petitioner in the Writ Petition is that he was set *exparte* by order dated 30.12.2016 made in M.P.No.47 of 2016 filed by the Fourth Respondent for evicting the Petitioner from the premises at Door No. 300A to 300 F, K.P.Road, Paravthipuram, Nagercoil and an application in M.P. No.1 of 2017 to the set aside the *ex-parte* order is pending and without deciding the same, further proceedings in M.P. No. 47 of 2016 must not take place.

3. It is informed that after the filing of the Writ Petition, the application in M.P. No.1 of 2017 filed by the Petitioner to set aside the *exparte* order was ordered on 20.01.2023, and M.P. No. 47 of 2016 has been posted for hearing on 16.02.2023 before the Second Respondent, who shall ensure that there is atleast one effective hearing every week showing progress of the case till its final disposal. It is needless to add here that full opportunity of personal hearing is afforded to all parties concerned in M.P. No. 47 of 2016 and a



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reasoned order shall be passed dealing with each of the contentions raised by the concerned parties on merits and in accordance with law.

4. It has also been brought to notice that in respect of the same property, a suit in O.S. No. 230 of 2016 is pending before the II Additional Sub Court, Nagercoil and this Court by order dated 11.11.2021 in W.P. (MD) No. 20275 of 2021 has directed the same to be disposed within a period of three months. Since it is informed by II Additional Sub Judge, Nagercoil, in his letter D. No. 171/2023 dated 25.01.2023 in response to the query raised by this Court in the order dated 04.01.2023 that the aforesaid order of this Court had not been communicated till then, it shall be incumbent upon that Judicial Officer to comply with the aforesaid direction without brooking any further delay. As it is represented that the case presently stands at the stage of recording evidence of the parties, it shall be ensured that there are atleast two effective hearings every week showing its progress and monthly reports are be sent to the Registrar (Judicial) of the Court till the disposal of that suit.



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WEB COPY In fine, the Writ Petition is disposed on the aforesaid terms.

Consequently, connected Miscellaneous Petition is closed. No costs.

25.01.2023

NCC : Yes/No
Index : Yes/No
ta/Sm

Note:- Issue order copy by 06.02.2023.

To

- 1.The II Additional Sub Judge, Nagercoil.
- 2.The Commissioner,
Hindu Religious and Charitable Endowments Departments,
Chennai.
- 3.The Joint Commissioner,
Hindu Religious and Charitable Endowments Departments,
Tirunelveli.
- 4.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Departments,
Nagercoil.

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5.The Fit Person,
Parvathipuram Udamuttu Dharman,
(The Joint Commissioner / Executive Officer),
Arulmigu Subramaniaswamy Temple,
Tiruchendur,
Thoothukudi District.

5.The Superintendent of Police,
Nagercoil.

6.The Deputy Superintendent of Police,
Nagercoil.

7.The Inspector of Police,
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P.D.AUDIKESAVALU,J.

ta/Sm

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