



WP(MD)No.29778 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.29778 of 2023
and W.M.P(MD).No.25696 of 2023

M.S.Rajakutty

.. Petitioner

vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam,
Chennai-34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Tirunelveli,
Tirunelveli District.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Tirunelveli,
Tirunelveli District.

4.The Executive Officer,
Hindu Religious and Charitable Endowment Department,
Arulmighu Medaithalavai Kattalai,
V.K.Road, Meenakshipuram,
Tirunelveli Junction,
Tirunelveli Taluk,
Tirunelveli District.

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Ceritorarified Mandamus, calling for the records pertaining to the impugned notice dated Nil issued by the fourth respondent and quash the same on the ground that the same is arbitrary, illegal and without any legal basis in pursuance of the order passed by the second respondent and consequently, forbearing the respondents 3 and 4 from evicting the petitioner bearing Door No.51 situate at South Car Street, North Valliyur, Radhapuram Taluk, Tirunelveli District.

For Petitioner : Mr.A.Arumugam

For Respondents : Mr.P.Subba Raj
Special Government Pleader

ORDER

This Writ Petition has been filed as against the impugned notice issued by the fourth respondent directing the petitioner to vacate from the premises in Door No.51, South Car Street, North Valliyur, Radhapuram Taluk, Tirunelveli District.



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2. The learned Senior Counsel appearing for the petitioner submits that the petitioner, who is a Nathaswara Vithwan, has rendered services to Subramaniya Swamy Temple, Vallioor, for a period of 40 years and has made a request before the second respondent to permit him to reside in the subject property and it was rejected by the second respondent, against which, a Revision Petition has been preferred by the petitioner before the first respondent. Pending the Revision Petition, the impugned notice has been issued by the fourth respondent.

3. Heard the learned Special Government Pleader appearing for the respondents.

4. Since the petitioner claims that he has filed the Revision Petition as against the order passed by the second respondent on 04.10.2023 directing him to vacate from the premises and the same is pending before the first respondent, this Court is inclined to give interim protection restraining the respondents from evicting the petitioner, till the disposal of the Revision Petition preferred before the first respondent. The first respondent shall dispose of the Revision Petition preferred by the petitioner as expeditiously as possible preferably within a period of 12 weeks from the date of receipt of a copy of this order.



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5. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
Internet : Yes
ssb

14.12.2023

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B.PUGALENDHI, J.

ssb

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