



W.P.Nos.5574/2019 & 10615/ 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.5574 of 2019 & 10615 of 2021

WP.No.5574/2019

B.Sukumar

... Petitioner

-Vs-

1.The Commissioner,
Hindu Religious and Endowment Department,
No.119, Uthamar Gandhi Adigalar Salai,
Nungambakkam,
Chennai-600 034.

2.The Executive Officer,
Angala Parameswari Kasi Viswanatha Thirukoil,
No.5, South Mada Street,
Choolai,
Chennai-600 007.

3.Mr.Kamal Chand Jain

... Respondents

Prayer in WP.No.5574/2019:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the first and second respondent to evict the 3rd respondent encroacher from the premises bearing old No.85, New No.161, Angalamman Street, Chennai-2 and hand over the property to the temple authorities.



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For Petitioner : Mr.N.Seshadri
For R1 & R2 : Mr.K.Karthikeyan
Government Advocate(HR&CE)
For R3 : Mr.M.Arvind Kumar

WP.No.10615/2021

B.Sukumar

... Petitioner

-Vs-

1.The Assistant Engineer,
EB Choolai Division,
No.1, Basin Bridge Road,
Pulianthope, Chennai-600 012.

2.The Executive Officer,
Arulmigu Angala Parameswari Kasi Viswanatha Thirukoil,
No.5, South Mada Street,
Choolai,
Chennai-600 007.

3.Mr.Kamal Chand Jain

... Respondents

Prayer in WP.No.10615/2021:-Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the first respondent to disconnect the electricity connection standing in the name of the 3rd respondent from the schedule mentioned property and consequently, direct the 2nd respondent to retrieve and restore the possession of the schedule mentioned property from the 3rd respondent.

For Petitioner : Mr.K.Jagannathan Anil Relwani
For R2 : Mr.Wilson
for M/s.A.S.Kilason and Associates
For R3 : Mr.M.Arvind Kumar



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ORDER

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W.P.No.5574 of 2019 has been filed for a direction directing the first and second respondents to evict the third respondent from the premises bearing old No.85, New No.161, Angalamman Koil Street, Choolai, Chennai – 600 007 and hand over the property to the temple authorities.

2. W.P.No.10615 of 2021 has been filed for a direction directing the first respondent to disconnect the electricity connection standing in the name of the third respondent from the schedule mentioned property and consequently, direct the second respondent to retrieve and restore the possession of the schedule mentioned property from the third respondent.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. A perusal of the counter filed by the first and second



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respondents reveals that the subject property, from which the third respondent is sought to be evicted and electricity service connection is to be disconnected, was originally leased out to one P.Padmavathy in respect of land alone. She was in arrears of payment of rent. Therefore, a notice was issued informing her about the arrears of rent after the fixation of new fair rent. However, it was returned with endorsement 'deceased'. On enquiry, it was found that the third respondent is residing in the subject property. Therefore, the Assistant Commissioner of HR & CE had sent a report to the Joint Commissioner, HR & CE Department as envisaged under Section 78(1) of the Act. Already the eviction proceeding is initiated as contemplated under Section 78 of the HR & CE Act.

5. The learned counsel appearing for the third respondent would submit that the petitioner has no *locus standi* to file a writ petition as the third respondent had purchased the said property from one S.Ramathilagam by a registered sale deed dated 27.04.1995 vide document No.1370 of 1995. Thereafter, the electricity service connection was transferred in her name and the entire revenue records were mutated in her name. However, the action has been initiated by the



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respondents 1 and 2 under Section 78 of the HR & CE Act.

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6. In view of the above submission, the first and second respondents are directed to initiate appropriate proceedings as contemplated under Section 78 of the HR & CE Act, after issuance of notice to the third respondent, in accordance with law.

7. With the above direction, both the writ petitions stand disposed of. No costs.

18.04.2024

Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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To

1.The Commissioner,
Hindu Religious and Endowment Department,
No.119, Uthamar Gandhi Adigalar Salai,
Nungambakkam,
Chennai-600 034.

2.The Assistant Engineer,
EB Choolai Division,
No.1, Basin Bridge Road,



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3.The Executive Officer,
Arulmigu Angala Parameswari Kasi Viswanatha Thirukoil,
No.5, South Mada Street,
Choolai,
Chennai-600 007.

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