



WEB COPY



W.P.No.10565 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.10565 of 2020
and
WMP.Nos.11060 & 11061 of 2021

Dharmamurthi Rao Bahadur Calavala
Cunnan Chetty's Charities
Rep. by its Managing Trustee Sri M.V.Cunniah Chetty,
Having office at No.116 (New No.242),
Govindappa Naick Street, Chennai - 600 001.

...Petitioner

Vs.

1. The Government of Tamilnadu,
Rep.by the Principal secretary to Government Tourism,
Culture and Religious Endowments Department Secretariat,
Fort St. George, Chennai - 600 009.
2. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai - 600 034.
3. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Vellore Region, Vellore - 9.
4. Arulmigu Ekambaranathar Thirukkoil
Rep. by its Executive Officer and Trustee,
Kanchipuram - 631 502.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for
issuance of a Writ of Certiorarified Mandamus, calling for all the records



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concerning with the affixture notice of the fourth respondent dated 23.07.2020

relation to the Government letter 13417/2-2015 dated 19.02.2020 concerning the closure of the school premises of the Seetha Kingston House Matriculation Higher Secondary School at No.768, Poonamallee High Road, Kilpauk, Chennai - 600 010 and quash the same and also direct the authorities to unlock the seal of the school premises for the use of the students and the school in the interest of justice.

For Petitioner	: Mr.R.Jeevarathinam, Senior Advocate for M/s.V.Srinivasa Babu
For R1 to R3	: Mr.K.Karthikeyan Government Advocate
For R4	: Mr.R.Bharaidharan

ORDER

Mr.R.Jeevarathinam, learned Senior Advocate appearing for the petitioner, on instructions from the learned counsel on record for the petitioner, submits that the possession of the subject property has been handed over to the fourth respondent and the fourth respondent is running the school in the subject property and consequently, the relief sought for herein has become infructuous and nothing survives for adjudication in this writ petition. The said statement is recorded.



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2. The learned counsel appearing for the fourth respondent would submit that the petitioner is liable to pay a sum of Rs. 4,77,14,467/- towards use and occupation of the subject property.

3. The learned senior Advocate appearing for the petitioner submits that the right of the fourth respondent to claim damage, usage and occupation is challenged in other Writ petition in WP.No.21899 of 2021 and the same is pending.

4. Therefore, as far as claim for damage, usage and occupation is concerned, it is for the petitioner to workout it's remedy in the pending writ petition. As far as the prayer in this writ petition is concerned, recording the said statement made by the learned senior advocate for the petitioner, the writ petition is dismissed as having become infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

12.11.2024

Index : Yes/No
Internet : Yes/No



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Speaking Order/Non-Speaking Order
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S. SOUNTHAR, J.

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To

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The Government of Tamilnadu,
Culture and Religious Endowments Department Secretariat,
Fort St. George, Chennai - 600 009.
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