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W.P.No.27488 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.No.27488 of 2024

1.C.Rajadurai
2.R.Shankar

.. Petitioners

Vs

1.The Assistant Commissioner,
HR & CE,
Ariyalur.

2.The Idol of Sri Lakshmi Naryana Perumal,
Sirukalathur,
rep. by its Executive Officer,
Jayankondam, Udarapalayam Taluk,
Ariyalur District.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records of the first respondent leading to the issuance of impugned eviction notice in reference number 740/2015/A5 dated 20.8.2024 and quash the same and consequently directing the respondents to desist from interfering with the lawful possession of the property.



W.P.No.27488 of 2024

WEB COPY

For the Petitioners : Mr.R.Sugumar Rajulu

For the Respondents : Mr.N.R.R.Arun Natarajan
Spl. Govt. Pleader (HR & CE)

ORDER

(Order of the Court was made
by the Hon'ble Acting Chief Justice)

Challenging the impugned eviction notice dated 20.8.2024 issued by the first respondent, the petitioners have filed the present writ petition. The petitioners have also sought a direction to enjoin the respondents from interfering with the possession of the property in question.

2. Today, when the writ petition is taken up for admission, learned Special Government Pleader (HR & CE) appearing for the respondents submitted that, as against the impugned order, the petitioners have filed a revision, being R.P.No.380 of 2024, along with stay application, being M.P.No.1 of 2024, before the Commissioner, HR & CE Department, Chennai. By an order dated 2.9.2024, the Commissioner, while adjourning the revision petition



W.P.No.27488 of 2024

to 23.9.2024, granted stay of the impugned order dated 20.8.2024 till 23.9.2024 and now the matter is adjourned to some other date.

He would submit that without disclosing all these facts, the present writ petition has been filed and the same is liable to be dismissed.

3. On a perusal of the records, it is evincible that the writ petition was presented on 4.9.2024 and was taken on file on 12.9.2024. The interim order of the Commissioner, HR & CE Department, is dated 2.9.2024. Thus, it is clear that by suppressing the factum of filing the revision against the very same impugned order, the present writ petition has been filed. When we asked learned counsel for the petitioners about the filing of the revision against the impugned order, learned counsel replied that the petitioners have not informed about the filing of the revision and the interim order granted therein.

4. We are steadfast in our view that the writ petition suffers from the vice of suppression of material facts and the petitioners have not approached the court with clean hands. *Ex consequenti*,



W.P.No.27488 of 2024

the writ petition is dismissed with costs assessed at Rs.10,000/- (Rupees Ten Thousand only) payable by the petitioners to the second respondent temple within a period of two weeks from the date of receipt of a copy of this order. Consequently, W.M.P.Nos.30004 and 30005 of 2024 are closed. W.M.P.No.30002 of 2024 filed by the petitioners to permit them to file a single writ petition is ordered.

(D.K.K., ACJ.) (M.J.R., J.)
24.09.2024

Index : Yes/No
NC : Yes/No
bbr

To:

- 1.The Assistant Commissioner,
HR & CE,
Ariyalur.
- 2.The Executive Officer,
Idol of Sri Lakshmi Naryana Perumal,
Sirukalathur,
Jayankondam, Udarapalayam Taluk,
Ariyalur District.



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THE HON'BLE ACTING CHIEF JUSTICE
AND
M.JOTHIRAMAN,J.

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