



W.P.No.39039 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.39039 of 2024 and
W.M.P.No.42282 of 2024

1.Mohammed Hussain
2. Mohammed Ali
3. Mohammed Ibrahim
4. Mohammed Siddique ... Petitioners

VS.

1.The Commissioner
O/o. The Commissioner Of H.R. And C.E., H.R. And
C.E. Department, 119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-034.
2.The Joint Commissioner
H.R.And C.E. Department, Nagapattinam, Tamil Nadu- 611 003.
3.Assistant Commissioner
H.R.And C.E. Department, Vijayapuram, Tiruvarur Town, Tiruvarur
District- 610001.
4.Th Executive Officer
Arulmighu Renukadevi Amman Temple, Vijayapuram, Tiruvarur
Town, Tiruvarur District- 610001. .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, quash the impugned eviction notice bearing Na.Ka. No. 3048- 5 / 2024 /E2 /dated 05.12.2024 and forbearing the 3rd respondent from evicting the petitioners until the disposal of the two



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revision petitions and the two stay petitioners , viz., R.P.No. 552/ 2024 and R.P. No.553/ 2024 pending on the file of the 1st respondent and pass.

For Petitioners : Mr.M.A.Mohomedhali
For Respondents 1 to 4 : Mr.K.Karthikeyan
Government Advocate (HR & CE)

ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

2. The writ petition is filed challenging the enforcement order passed by the 3rd respondent seeking to enforce the order of eviction passed by the 2nd respondent against the petitioner in a proceedings initiated under Section 78 of HR & CE Act.

3. The case of the petitioner is that he filed two revision petitions before the 1st respondent in R.P.No.552 of 2024 and R.P.No.553 of 2024 challenging the eviction order passed against him by the 2nd respondent. Along with revision petitions, the petitioner also filed stay applications and the same have not been taken into consideration by the 1st respondent till date. In the meantime, the 3rd respondent passed impugned enforcement order seeking to enforce the eviction order. Therefore, the petitioner has come before this Court.



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4. Mr.K.Karthikeyan, learned Government Advocate (HR & CE), who takes notice for the respondents 1 to 4, on instructions, submits that till date, the eviction order has not been enforced.

5. In view of the fact that petitioner already filed revision petitions challenging the eviction order passed against him along with stay applications, this Court is inclined to direct the 1st respondent to take up the stay applications filed by the petitioner along with revision petitions in R.P.Nos.552 and 553 of 2024 for hearing on 20.01.2025 and dispose of the same on its' own merits within a period of two weeks from 20.01.2025. Till the stay applications are disposed of, the respondents shall not enforce the order of eviction passed against the petitioner.

6. With the above directions, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

19.12.2024

Index:Yes/No

Internet:Yes/No

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Note:Issue order copy on 02.01.2025.

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S.SOUNTHAR, J.

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To

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2.The Joint Commissioner

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