



Writ Petition No.5518 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 20.02.2025

Coram

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.5518 of 2025

&

W.M.P.No.6083 of 2025

P.Saraladevi
D/o.C.G.Palavelsamy

.. Petitioner

vs.

1. The Commissioner
Hindu Religious and Charitable Endowment Department
Uthamar Gandhi Salai, Nungambakkam
Chennai – 600 034

2. Arulmigu Sivasubramania Samy Thirukovil
Rep. By its Executive Officer
Alandur, Chennai

3. Govindaraja
S/o. Not Known
Committee Member
Arulmigu Sivasubramania Samy Koil
(Now Siva Subramaniya Swamy Koil)
No.17/3A, Muthial Reddy Street
Alandur, Chennai – 600 016

4. R.D.Boopalan
S/o.Not Known
Arulmigu Sivasubramania Samy Koil
(Now Siva Subramaniya Swamy Koil)
No.14/12, James Street
Alandur, Chennai – 600 016

.. Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing respondents 1 and 2, their agents or any persons from interfering with the petitioner's peaceful possession and enjoyment of the property situated at Old No.27, New No.40, Arulmigu Subramaniya Swamy Koil Street, Alandur, Chennai – 600 016 particularly from demolishing any portion (s) of the aforesaid property without adopting due process of law.

For Petitioner : Ms.B.Jeyanthi

For Respondents : Mr.K.Karthikeyan
Govt. Advocate (HR & CE) for R1 & R2

ORDER

This matter was taken up after Court hours since the learned counsel for writ petitioner came and represented in the Chambers that the demolition is being carried on and this Court requested the Special Government Pleader to be present in the Chambers and to stop the demolition until further instructions are obtained by the petitioner and learned counsel for Respondents 1 and 2.

2. The learned counsel appearing on behalf of the writ petitioner specifically mentioned that I.A.No.1034 of 2018 was filed to set aside the *ex parte* decree. On verification, the same turns out to be a fertile imagination of the learned counsel for the writ petitioner. This Court has also verified from the concerned Court and it is found that the *ex parte*



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decree passed in O.S.No.202 of 2009 against this petitioner stands.

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3. When the Court has ordered eviction and when the writ petitioner is disobeying the decree till date, this Court under Article 226 cannot come to the aid of the writ petitioner. Especially so, when a wrong pleading is made by the learned counsel for the writ petitioner as if an application for setting aside the *ex parte* decree is made and as if the *ex parte* decree is set aside. To top it all, when the learned counsel requested to take up the matter even after the Court hours and this Court granted an oral interim order and specifically the matter was posted today, learned counsel for writ petitioner was not present when the matter was called twice in the morning and also in the afternoon.

4. For all the above reasons, finding no merits in the writ petition, the writ petition is dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

20.02.2025

Index: No
Speaking Order
Neutral Citation:No
gpa



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D.BHARATHA CHAKRAVARTHY., J

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To

gpa

The Commissioner
Hindu Religious and Charitable Endowment Department
Uthamar Gandhi Salai, Nungambakkam
Chennai – 600 034

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