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W.P.No.9638 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.9638 of 2019

N.R.Ramakoti

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowment,
Administration Department,
Nungambakkam,
Chennai – 34.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Administration Department,
Nungambakkam,
Chennai – 34.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Administration Department,
Nungambakkam,
Chennai – 34.
- 4.Nirmala
- 5.The Commissioner of Police,
The Office of Commissioner of Police,
E.V.K. Sampath Salai,
Veperi, Chennai.



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6.The Inspector of Police,
G-3 Police Station, Kilpauk,
Chennai – 10.

[R5 & R6 impleaded vide order dt. 25.04.2019 made in
W.M.P.No.11494 of 2019 in W.P.No.9638 of 2019]

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st, 2nd and 3rd respondents herein to take action on the representation dated 22.02.2019 in pursuance to trespass made by the 4th respondent herein at No.95, Vellalar Street, Purasaiwalkam, Chennai – 600 084 by broke open the seal.

For Petitioner : Ms.J.Hemalatha Gajapathy

For Respondents : Mr.S.Ravichandran
Additional Government Pleader [R1 to R3]
No appearance [R4]
Mr.S.Balaji
Government Advocate (Crl.Side) [R5 & R6]

ORDER

This Writ Petition has been filed by the petitioner seeking a Writ of Mandamus, to direct the respondents 1 to 3 to take action on the representation dated 22.02.2019 in pursuance to trespass made by the 4th respondent herein at No.95, Vellalar Street, Purasaiwalkam, Chennai – 600 084 by broke open the seal.



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2. The case of the petitioner is that the 1st respondent, vide order, dated 20.04.1963 has appointed his father late Radhakrishnan as a sole trustee and till 1987, he was looking after the Trust. After the demise of his father, the petitioner was appointed as a fit person by the 3rd respondent, vide order, dated 26.10.1987 and subsequently, he was recognised as a Hereditary Trustee. The trust owns a building at No.95 Vella Street, Purasaiwalkam, Chennai and there are many tenants in the trust property and all of them are regular in paying the rent payable to the trust, except one occupant viz., Nirmala Ethiraj, the 4th respondent herein and she is occupying the trust property unauthorizedly without paying fair rent. Hence, the petitioner has filed an appeal before the 3rd respondent to initiate action against her u/s 78 of the HR & CE Act, for which, the 3rd respondent submitted a detailed report dated 11.11.2010 pursuant to the order of this Court. Thereafter, the 1st respondent passed an order dated 21.04.2014, declaring the 4th respondent as encroacher and directed her to vacate the premises and hand over the vacant possession of the property under her occupation to the trust within 15 days from the date of receipt of the order. However, the order of the 1st respondent is not complied with so far. Hence, the petitioner has filed W.P.No.6112 of



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2016 before this Court and this Court, vide order dated 27.02.2016, directing the 3rd respondent to comply with the order of eviction passed by the 1st respondent against the 4th respondent/encroacher. Even thereafter, the 4th respondent has not come forward to vacate the premises. After filing a contempt petition before this Court, the order passed by this Court has been complied with. After 3 months, the 4th respondent has broken the seal which was sealed by the 3rd respondent. Hence, he made a representation dated 22.02.2019 before the respondents 1 to 3 to take action against the 4th respondent. Since the same was not considered, the petitioner has filed the present writ petition before this Court for appropriate orders.

3. The learned counsel appearing for the petitioner submitted that the respondents 1 to 3 have failed to take action against the 4th respondent, who made the illegal and unauthorized occupation. Therefore, this Court may direct the respondents 1 to 3 to evict the 4th respondent from the said premises with the help of the police and hand over the vacant possession of the said premises to the petitioner.



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4. The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that pursuant to the order passed by this Court, dated 27.02.2016 in W.P.No.6112 of 2016, the 4th respondent has been evicted from the premises, however, she has broke open the seal and again encroached the premises illegally.

5. Though name of the 4th respondent has been printed in the cause list, however no one appeared on behalf of the 4th respondent. Considering the pendency of this writ petition, this Court is inclined to dispose of this writ petition based on the materials available on record.

6. This Court, vide order, dated 27.02.2016 made in W.P.No.6112 of 2016, had directed the 3rd respondent herein to comply with the eviction order passed by the 1st respondent herein. Even then, the 4th respondent is living in the premises illegally, which is impermissible. Therefore, this Court directs the official respondents to evict the 4th respondent in the Trust premises immediately with the help of the police.



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