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W.P.No.12009 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.09.2025

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P. No.12009 of 2020

and

W.M.P.No.14742 of 2020

Nirmala

... Petitioner

-Vs-

1. The Commissioner,
HR & CE.,
Mahatma Gandhi Road,
Nungambakkam, Chennai – 600 034.
2. The Authorised Officer,
Lakshmi Vilas Bank,
Perambur Branch,
No.86, Sundararaja Perumal Koil
Street, (South),
Peravallur, Chennai – 600 082.
3. K.Anand
4. Rajini @ Anbu
5. Gopalakrishnan
(R5 Suo-Motu impleaded vide order dated 02.09.2020
made in W.P.No.12009/2020)
6. Sri Adikesavaperumal Peyalwar Devasthanam
Rep. by its Trustee, Sannathi Street,
Alamelu Manga Puram,
Sankarapuram, Mylapore, Chennai – 600 004.



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(R6 Suo-Motu impleaded vide order dated 28.03.2023
made in W.P.No.12009/2020)

... Respondents

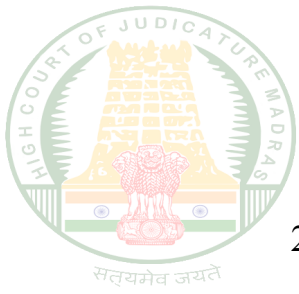
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Prayer:- Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the first respondent to initiate appropriate action as contemplated in Section 34 of the HR & CE Act to protect the immovable property situate at No.6/9, Alwarpet Street, Alwarpet, Chennai – 600 018 which belongs to Sri Adhikesavaperumal Peyalwar Devasthanam, Mylapore, now under the control of the first respondent from the second respondent bank.

For Petitioner : Mr.A.S.Baalaji
For Respondents : Mr.A.Kapaleeswaran for R2
: Mr.S.RAvichandran
Additional Government Pleader (HR&CE)
for R1
Given up for R3 & R4
No Appearance for R5 & R6

ORDER

This Writ Petition has been filed to direct the first respondent to initiate appropriate action as contemplated under Section 34 of the HR & CE Act to protect the immovable property situated at No.6/9, Alwarpet Street, Alwarpet, Chennai – 600 018 which belongs to Sri Adhikesavaperumal Peyalwar Devasthanam, Mylapore, now under the control of the first respondent from the second respondent bank.



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2. The learned counsel for the petitioner submitted that the disputed property is situated at 6/9, Alwarpet Street, Alwarpet, Chennai which belongs to Sri Adhikesavaperumal Peyalwar Devasthanam, Mylapore and the property interfered by some private respondents for which the petitioner made a complaint to the first respondent. This Court may issue a direction to the first respondent to pass orders in terms of Section 34 of the HR & CE Act, after providing opportunity to the petitioner.

3. The learned counsel for the second respondent submitted that the disputed property belongs to the petitioner and the same was mortgaged with the second respondent for the benefit of third and fourth respondents. The learned counsel for the second respondent further submitted that the second respondent is ready to face enquiry.

4. In view of the above, the first respondent is directed to conduct enquiry with regard to the property belongs to Periyazhawar Devasathanam and pass orders within a period of 12 weeks from the date of receipt of a copy of this order, after providing opportunity to the petitioner as well as private respondents.

In the result, this Writ Petition is disposed of. Consequently,



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connected Miscellaneous Petition is closed. No costs.

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Index : Yes/No

Speaking/Non-speaking order

To

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M.DHANDAPANI. J.,



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