



WEB COPY



CRP.No.2834 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 24.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP.No.2834 of 2023

S.Saraswathi

... Petitioner

Versus

1.The Assistant Commissioner
Hindu Religious Endowment Board
Padi, Chennai – 600 050

2.The Executive Officer
Arulmigu Ekambareswara Thirukoil
No.315, Mint Street
Chennai – 600 003

3.Narayani Kutty

... Respondent

Prayer: Petition filed under Article 227 of the Constitution of India, to set aside the order dated 20.02.2023 passed in MP.No.115/2022 on the file of Joint Commissioner, Hindu Religious and Charitable Endowment Department, Chennai Zone – 1, Padi, Chennai – 600 050

For petitioner : Mr.B.Ullaselvan

For respondents : Mr.N.R.R.Arun Natarajan, SGP (HR&CE)
Mr.R.Bharanidharan for R2



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ORDER

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2. The impugned order has been mainly challenged on the ground of violation of principle of natural justice. According to the revision petitioner, notice was served for hearing on 02.02.2023. Though petitioner has appeared on the said date, order has been passed behind her back on 20.02.2023, for that hearing, notice has not been served, however, the order has been affixed on the shop premises.

3. Whereas, the learned Special Government Pleader appearing for the respondent submitted that notice has been served on 02.02.2023 for hearing and thereafter, in the next hearing, the order has been passed. According to him, since the building is in dilapidated condition, the other tenants have already vacated and arrears of rent of Rs.60,000/- is payable by the petitioner and also notice under Section 258 of the Chennai City Municipal Corporation Act IV of 1919 is issued by the Greater Chennai Corporation for demolition of the dilapidated building.



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4. Heard both sides and perused the materials placed on record. As far as the contention that violation of principle of natural justice is concerned, the fact remains that the petitioner was served with a notice for hearing on 02.02.2023, thereafter, the matter was adjourned to 20.02.2023. On that day, matter has been ordered. Therefore, it cannot be said that the petitioner was not served with any notice at all. When the petitioner appeared and subsequently, order has been passed, it cannot be said that on every hearing, notice should be specifically issued. Records produced by the respondent indicate that the petitioner through advocate appeared on 02.02.2023. Such case, the petitioner is aware of the next hearing date, however, the petitioner remained exparte on the next hearing date. Therefore, the contention of violation of principle of natural justice cannot be countenanced.

5. With regard to the other fact that the other tenants have vacated and building is in dilapidated condition, recent photographs produced by the authorities has not been disputed by the petitioner which indicate that building

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may collapse at any time. Notice is also issued by the Chennai Corporation under Section 258 of the Chennai City Municipal Corporation Act IV of 1919.

6. In such view of the matter, I do not find any merits in this revision. Accordingly, this revision petition is dismissed. No costs. It is well open to the petitioner to participate in the public auction in the event building is demolished and reconstructed, after payment of arrears, if any.

24.01.2025

Index : Yes / No
Speaking/non speaking order
dhk

To,

The Assistant Commissioner
Hindu Religious Endowment Board
Padi, Chennai – 600 050

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