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W.P No. 23767 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**W.P No. 23767 of 2025
AND WMP Nos.26746 & 26747 OF 2025**

S.Sekar
S/o Shri.Senthamarai
No.177, Thanga Salai Theru
Mint, Chennai 600 003.

... Petitioner

Vs

1. The Joint Commissioner of HR & CE
DPI Building, College Road, Chennai.
- 2.The Assistant Commissioner of HR & CE
DPI Building, College Road, Chennai.
- 3.The Executive Officer
Ekambareshwarar Temple
Thanga Salai, Mint, Chennai 600 003.
- 4.Saraswathi
No.177, Thanga Salai Theru
Mint, Chennai 600 003.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records in impugned proceedings in MP No.133/2022/E1 dated 18.06.2025 on the file of the first respondent and quash the same.

For Petitioner : Mr.B.Manoharan



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For Respondents : Mr.NRR Arun Natarajan
Special Government Pleader
-for RR 1 to 3

ORDER

This writ petition has been filed challenging the impugned proceedings of the first respondent dated 18.6.2025, wherein orders have been passed under Section 78 of the HR and CE Act, directing the petitioner to vacate and hand over vacant possession of the property, failing which further proceedings will be initiated under Section 79 of the Act.

2. The main ground on which this writ petition has been filed is that the petitioner was not given sufficient opportunity and therefore there is violation of principles of natural justice.

3. A careful reading of the order passed by the first respondent shows that the parties were given opportunity and were heard and only thereafter orders have been passed.

4. As against the order passed by the first respondent, a writ petition cannot be entertained since the petitioner has an alternative remedy by means of a revision under Section 21 of the HR and CE Act. Without resorting to this alternative remedy, the petitioner has straight away filed the present writ petition



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and therefore this Court is not inclined to entertain the writ petition.

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5. In view of the above, liberty is granted to the petitioner to file a revision petition before the Commissioner, HR and CE Act and work out his remedy in the manner known to law. This writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed. Registry to return the original impugned order to the petitioner to enable the petitioner to file the same before the Commissioner, HR and CE Department.

03-07-2025

KST

Neutral Citation:Yes/No

Note : Issue order copy today (03.07.2025)

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