

Sivaraj Mohan vs the Commissioner

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Court : Chennai

Decided On : Apr-17-2025

Judge : Honourable Mr Justice D.Bharatha Chakravarthy

Appeal No. : WP/13817/2025

Appellant : Sivaraj Mohan

Respondent : The Commissioner

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY
and W.M.P.Nos.15516 & 15518 of 2025 Sivaraj Mohan ... Petitioner Vs.
1.The Commissioner Nungambakkam High Road, Chennai. 2.The Joint
Commissioner 3.The Assistant Commissioner 4.The Executive Officer
Arulmigu Somanathaswamy Temple Sannithi Street, Kolathur Chennai
600 099. ...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other writ or any other order or direction or any way or in the form of writ to consider the representation of the petitioner dated 08.04.2025 within a stipulated period so as to de-seal the petitioner's shop at No.4, MGR Street, Annai Satya Nagar, Red Hills Road, Kolathur, Chennai 600 099 and grant such other suitable orders.

For Petitioner : Mr.C.Umashankar For Respondents : Mr.N.R.R.Arun
Natarajan Special Government Pleader (HR & CE)

ORDER

This Writ Petition is filed for a Writ of Mandamus directing to consider the representation of the petitioner dated 08.04.2025.

2. Upon hearing, Mr.C.Uma Shankar the learned counsel for the petitioner and perusing the representation of the petitioner, the petitioner wants to become a tenant under the temple.

3. When the matter came up for hearing, Mr.N.R.R.Arun

Natarajan, learned Special Government Pleader would submit that the temple is not willing to take them as a tenant in fact the entire property of the temple is being given to other department for putting up an integrated police complex for rent that is fixed by the commissioner in exercise of his statutory power.

4. Therefore, the prayer in the Writ Petition cannot be

countenanced. Alternatively, the learned counsel for the petitioner would submit that the petitioner's premises have suddenly been sealed and therefore, let it be opened.

5. In reply thereof, the learned Special Government Pleader

would submit that already eviction proceedings were taken by following the due process of law under Section 78 of the Hindu Religious and Charitable

Endowments Act, 1959 and orders have been passed on 10.03.2025 in MP.No.39 of 2022.

6. Therefore, when possession has been taken by following the due process of law, keeping open the liberty of the petitioner to challenge the

order of eviction in the manner known to law, the prayers made by the

petitioner cannot be countenanced in the Writ Petition, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed. 17.04.2025 Neutral Citation : No dna To 1.The Commissioner Nungambakkam High Road, Chennai. 2.The Joint Commissioner 3.The Assistant Commissioner 4.The Executive Officer Arulmigu Somanathaswamy Temple Sannithi Street, Kolathur Chennai 600 099.

D.BHARATHA CHAKRAVARTHY, J.

dna and W.M.P.Nos.15516 & 15518 of 2025 17.04.2025

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