

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P. No.33048 of 2014

Sivalinga Achari

...Petitioner

v.

1.The Commissioner,
Hindu Religious and Charitable Endowments,
Admin Department, Chennai-34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Villupuram.

3.The Inspector,
Hindu Religious and Charitable Endowments,
Villupuram.

4.Rudraiah Achari

5.Sundaramoorthi Achari

6.Thirukovilur Nagara
Visvvakarma Samooga Sangam
rep. by its Secretary A.Kannan Achari
(R6 impleaded as per order dated
23.02.2015 in M.P.
No.1/2015 in W.P. No.33048/2014)

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to dispose of the appeal filed by the petitioner under Section 69(1) of the Tamil Nadu HR and CE Act, 1959 (Tamil Nadu Act 22 of 1959) as against the order dated 17.11.2014 (signed on 18.11.2014) made by the Joint Commissioner HR and CE Admn. Department, Villupuram calling upon us to hand over charge vide proceedings No.SE.Mu.Na.Ka.No.4316/2014/E2 dated 17.11.2014 at the earliest.

For petitioner : Mr.V.Raghavachari
For respondents : Mr.Mahendran,
Government Advocate for R1 to R3
Mr.R.Sunilkumar for R6
No appearance for R4 and R5

ORDER

Heard Mr.V.Raghavachari, learned counsel for the petitioner, Mr.M.L.M.Chandran, learned Government Advocate for R1 to R3 and Mr.R.Sunilkumar, learned counsel for R6.

2.This writ petition has been filed directing the first respondent to dispose of the appeal, which has been filed by the petitioner.

3.The case of the petitioner is that on 12.11.2014, the Inspector HR&CE had issued a letter to the Electricity Board stating that the fourth respondent is incharge of the management of the temple and was entitled to apply for an electricity connection and the second respondent vide order dated 17.11.2014 called upon the appellants to hand over charges vide proceedings No.SE.Mu.Na.Ka.No.4316/2014/ E2 pursuant to which an order has been passed by the Inspector, Hindu Religious and Charitable Endowments Board, Chinnasalem in Na.Ka.No.49/2014 dated 26.11.2014. Aggrieved by the said order, the petitioner had preferred an appeal before the first respondent and according to the petitioner the matter was not taken up for hearing. Aggrieved over the same, the petitioner is before this Court.

4.Learned Government Advocate appearing for respondents 1 to 3 submitted that the appeal filed by the petitioner has been entertained as revision in No.2/2015 and the matter has been posted for hearing and the petitioner has not appeared before the Commissioner on three occasions viz. 13.02.2014, 22.02.2014 and 23.02.2015. It is submitted that a new officer has taken charge as the Commissioner of HR&CE.

5.Accordingly the writ petition is disposed of directing the first respondent to consider the revision petition in R.P. No.2 of 2015 and pass final order on merits and in accordance with law, within a period of three months from the date of receipt of a copy of

this order. Till the appeal is disposed of, the order passed by the second respondent dated 17.11.2014 shall be kept in abeyance. Consequently, connected M.Ps are closed. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

vga

To

1.The Commissioner,
Hindu Religious and Charitable Endowments,
Admin Department, Chennai-34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Villupuram.

3.The Inspector,
Hindu Religious and Charitable Endowments,
Villupuram.

1CC to M/s. V.Raghavachari, Advocate SR 13322

1CC to M/s. R.Sunil Kumar, Advocate SR 13554

1CC to Government Pleader, SR 13472

सत्यमेव जयते

W.P. No.33048 of 2014

RSK [CO]
PSI 21.03.2015

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