

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2015

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.20212 of 2015 &
M.P.No.1 of 2015

1.T.Muthulakshmi
2.Bagavathy

... Petitioners

Vs.

1. The Commissioner
H.R. & C.E. Department,
Chennai.
2. The Joint Commissioner
H.R. & C.E. Department,
Coimbatore.
3. The Deputy Commissioner
H.R. & C.E. Department,
Coimbatore.
4. The Fit Person
A/m.Bagavathiammn Temple, Mannarai Village
Tiruppur Taluk, Coimbatore District.
5. The Assistant Commissioner
H.R. & C.E. Department,
Coimbatore.
6. The Assistant Commissioner
H.R. & C.E. Department,
Tiruppur.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus, calling for the records pertaining to the impugned order dated 9.6.2015 passed by the 2nd respondent herein in M.P. No.82/2014/AA1 and quash the same and consequently forbearing the respondents herein from in any way interfering with the enjoyment of the temple land measuring about

6.72 acres in S.No.270, Mannarai Village by the petitioners and for any other relief or reliefs that may appropriate in the present circumstances of the case.

For Petitioners : Mr.I. Abrar Md.. Abdalla
for Mr.V.P.Karthikeyan

For Respondents : Mr.K.V.Dhanapalan,
Addl. Govt. Pleader
- for R1 to R3, R5 & R6
Ms.G.Sumitra - for R4

ORDER

The only ground raised by the learned counsel for the petitioners is that the petitioners have not been heard, though the order impugned in this writ petition says that despite the notice having been served they did not appear.

2. It is seen that the 1st petitioner's husband since deceased, was the erstwhile trustee of Arulmigu Bagavathiamman Temple, Mannarai Village. The order is one of effecting the petitioners for the reason stated thereunder. Under section 21 of the Hindu Religious and Charitable Endowments Act, the power is available to the Commissioner to call for the records of any proceedings of Deputy Commissioner or Assistant Commissioner as the case may be.

3. Thus, the petitioners can work out their remedy before the 1st respondent viz., The Commissioner, H.R. & C.E. Department, Chennai. The question as to whether the petitioners were heard or not is a disputed question of fact and it can also be considered by the Commissioner, H.R. & C.E. Department. The petitioners are given liberty to file an appeal before the 1st respondent within a period of four weeks from the date of receipt of a copy of the order. Till such time, status quo as on date shall be maintained.

The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Rj

To

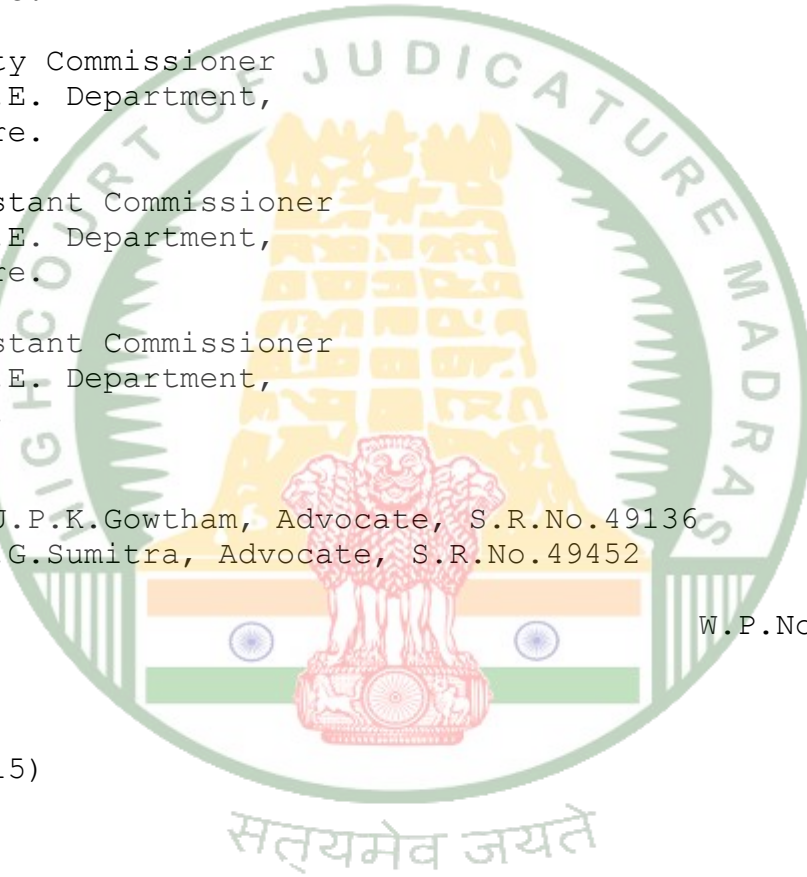
1. The Commissioner
H.R. & C.E. Department,
Chennai.
2. The Joint Commissioner
H.R. & C.E. Department,
Coimbatore.
3. The Deputy Commissioner
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Coimbatore.
4. The Assistant Commissioner
H.R. & C.E. Department,
Coimbatore.
5. The Assistant Commissioner
H.R. & C.E. Department,
Tiruppur.

+1cc to Mr.U.P.K.Gowtham, Advocate, S.R.No.49136

+1cc to M/s.G.Sumitra, Advocate, S.R.No.49452

W.P.No.20212 of 2015 &
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MG (CO)
CA(23/09/2015)



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