

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2015

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.2331 of 2015 &

M.P.No. 1 of 2015

1.M.v.Muthu Bhattar

2.M.subramania Bhattar

.. Petitioners

v.

1 The Commissioner  
H.R & C.E (Admn) Department  
Having its Office at  
Nungambakkam High Road,  
Chennai - 600 034

2 The Executive Officer/Joint Commissioner,  
A/M. Subramaniasamy Temple,  
Tiruchendur, Tuticorin District

3 Shanmuga Bhattar

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the impugned order passed by the 1st respondent Commissioner, HR & CE (Admn), Chennai issued in A.P.No.36 of 2014 D2, dated 12.1.2015 and quash the same.

For Petitioner : Mr.W.C.Thiruvengadam

For Respondents : Mr.M.C.Mahendran

Govt. Advocate - for R1

ORDER

The present writ petition has been filed challenging the order dated 12.1.2015 passed by the first respondent in A.P.No.36 of 2014 under section 69(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

2. Mr.M.C.Mahendran, learned Government Advocate takes notice for the first respondent and submitted that a writ will not lie against the order passed by the first respondent under section 69(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, since alternative remedy is available to the petitioner.

3. Since the order impugned was passed by the first respondent under section 69(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, the remedy available to the petitioner is to file a suit under section 70 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, which reads as follows:-

"70 Suits and Appeals (1) Any party aggrieved by an order passed by the Commissioner -

(i) under sub section (1) or sub section (2) of section 69 and relating to any of the matters specified in section 63, section 64 or section 67"

4. In these circumstances, the writ petition is dismissed for the reason that alternative remedy is available to the petitioner to challenge the impugned order dated 12.01.2015 passed under section 69(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Rj

-s/d-

Assistant Registrar( )

Dt:6/2/2015

True Copy

Sub-Assistant Registrar

To

1 The Commissioner  
H.R & C.E (Admn) Department  
Having its Office at  
Nungambakkam High Road,  
Chennai - 600 034

2 The Executive Officer/Joint Commissioner,  
A/M. Subramaniasamy Temple,  
Tiruchendur, Tuticorin District

+ 1 cc to Mr.W.C.Thiruvengadam, Advocate SR 5074

+ 1 cc to Govt.Pleader, High Court, Madras SR 5830

bvr(co)  
prk11/2

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