IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2015

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THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.NO.3223 OF 2015

G.Annadurai .. Petitioner

Vs.

1. The Commissioner,
   Hindu Religious and Charitable Endowments Board,
   Nungambakkam, Chennai - 600 034.

2. The Joint Commissioner,
   Hindu Religious and Charitable Endowments Board,
   Nungambakkam, Chennai - 600 034.

3. D.Sivakumar
4. Krishnamoorthy .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling for the records of the first respondent dated 30.06.2014 passed in A.P.No.56/2013 D2 and quash the same, consequentially direct the respondents 1 and 2 to appoint the petitioner as a Trustee of the Arulmigu Ayyanar Temple in Paikanatham Village, Panruti Taluk, Cuddalore District hereditarily.

For Petitioner : Mr.R.Thanjan

For Respondents: Mr.S.Kandasamy,
Spl. Govt. Pleader for RR 1 and 2

O R D E R

Heard Mr.R.Thanjan, learned counsel for the petitioner and Mr.S.Kandasamy, learned Special Government Pleader for the respondents.

2. The petitioner has filed this writ petition challenging the order passed by the first respondent dated 30.06.2014 confirming the order passed by the second respondent dated 05.08.2011.

3. In view of the order to be passed by this Court, there is no necessity to hear the respondents 3 and 4.

4. Admittedly, the petitioner has an effective remedy of filing a revision before the Government under Section 114 of the Tamil Nadu Hindu Religions and Charitable Endowment Act, 1959. The Government has got power to call for and examine the records of the first respondent as well as the second respondent in any appeal or application and to satisfy themselves as to the regularity of such the proceedings or the correctness, legality or propriety of the decision. Further, the Government has also got power to grant interim orders in terms of sub-section (2) of Section 114.

5. Thus, the remedy before the Government being effective, the petitioner has to necessarily file a revision before the Government and there is no justification to by-pass the said remedy. In terms of sub-section (4) of Section 114, the period of limitation is three months. Since the petitioner has filed this writ petition, this Court is of the view that the petitioner should be granted liberty to move the Government by way of revision and if such revision petition is filed within a period of thirty days from the date of receipt of a copy of this order, the Government shall entertain the revision without reference to limitation and decide the matter on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as the respondents 3 and 4.

6. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
   Hindu Religious and Charitable Endowments Board,
   Nungambakkam, Chennai - 600 034.

2. The Joint Commissioner,
   Hindu Religious and Charitable Endowments Board,
   Nungambakkam, Chennai - 600 034.

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RJ(CO)
Eu 10.03.15