IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.34127 of 2015 and M.P.No.2 of 2015

K.Saroja
W/o.Late Rajendran New No.22 Old No.11
West Kulakarai Street Thiruvanmiyur
Chennai-48. ...PETITIONER

Vs.

1 The Hindu Religious Charitable
Endowment Board Rep. by its Assistant
Commissioner No.119 Mahatma Gandhi Road
Chennai-34. ...RESPONDENT

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the proceedings relating to the order of the respondent in Nada. Na.Ka. No.4365/ 2008/A2 dated 30.4.2015 and quash the same.

For Petitioner : Mr.R.Suresh Kumar for
M/s.K.M.Vijayan Associates
For Respondent : Mr.K.V.Dhanapalan

O R D E R

What has been challenged in the writ petition is an order made under section 78 of H.R. & C.E Act. Counsel for the petitioner submitted that petitioner has not been given an opportunity.

2 Counsel for the respondent submitted that the petitioner herself has given an undertaking. The further submission is that only at the time of taking action under section 79 of the said Act, petitioner has woken up and thereafter filed the present writ petition. Counsel for the respondent also produced relevant document in this regard.

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3 Admittedly, there is alternative remedy available under section 21 of the said Act. Thus, the petitioner is given liberty to file an appeal within a period of two weeks from the date of receipt of a copy of this order, in which case the appellate authority will have to decide the said appeal on merit without rejecting the same on the ground of limitation.

The Writ petition stands disposed of accordingly. Consequently, M.P.No.2 of 2015 is closed. No costs.

sd/
ASSISTANT REGISTRAR(CS-V)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

vaan

To

The Assistant Commissioner,
Hindu Religious Charitable Endowment Board,
No.119 Mahatma Gandhi Road, Chennai-34.

+1 CC to M/s.K.M.Vijayan Associates Advocate. SR.NO.58161
+1 CC to Govt.Pleader. SR.NO. 58227

W.P.No.34127 of 2015 and M.P.No.2 of 2015

CO-SK
JD 04/11/2015

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