

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

W.P. No. 35528 of 2015

&

M.P. Nos. 1 & 2 of 2015

K. Lakshmiammal

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.

3. The Executive Officer,
A/m. Ekambareswarar Temple,
Aminjikarai,
Chennai - 600 029.

... Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 01.10.2015 passed by the 3rd respondent and quash the same and consequently direct the 1st respondent to dispose of the petitioner's revision petition filed on 29.09.2015 within a time frame fixed by this Court.

For Petitioner : Mr.V. Srikanth

For Respondents : Mr.K.V. Dhanapalan,
Additional Government Pleader

O R D E R

By consent, the main writ petition itself is taken up for final disposal.

2. This writ petition is filed challenging the impugned order dated 01.10.2015 passed by the 3rd respondent, quash the same and consequently direct the 1st respondent to dispose of the petitioner's revision petition filed on 29.09.2015 within a time frame fixed by this Court.

3. Admittedly, as against the order passed by the 3rd respondent dated 01.06.2015, by which a unilateral demand is said to have been made against the petitioner, there is a remedy by way of revision to the Commissioner, Hindu Religious and Charitable Endowment Department and the petitioner has rightly invoked the same by filing the revision petition on 29.09.2015 within the time stipulated. Therefore, the 1st respondent is directed to number the said revision petition and dispose of the same, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order. Till the disposal of the said revision petition, there will be a stay of the impugned order dated 01.10.2015 subject to the condition that the petitioner deposits 50% of the demand amount as per the order dated 01.06.2015 within a period of six weeks from the date of receipt of a copy of this order, without prejudice to his contentions in the revision petition. The writ petition is disposed of accordingly. No costs. Connected M.Ps are closed.

***4. It is open to the petitioner to challenge the aforesaid order before the Commissioner. The petitioner has given further period of two weeks from the date of receipt of a copy of this order to undertake the said exercise before the Commissioner.**

-s/d-

Assistant Registrar

Dated : 20.11.2015

***Para 4 incorporate as per order
of this Court, dated 27.01.2016
Sd/- Assistant Registrar (CS III)
Dated : 05.02.2016**

True Copy

Sub-Assistant Registrar

nv

To

1. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
3. The Executive Officer,
A/m. Ekambareswarar Temple,
Aminjikarai, Chennai - 600 029.

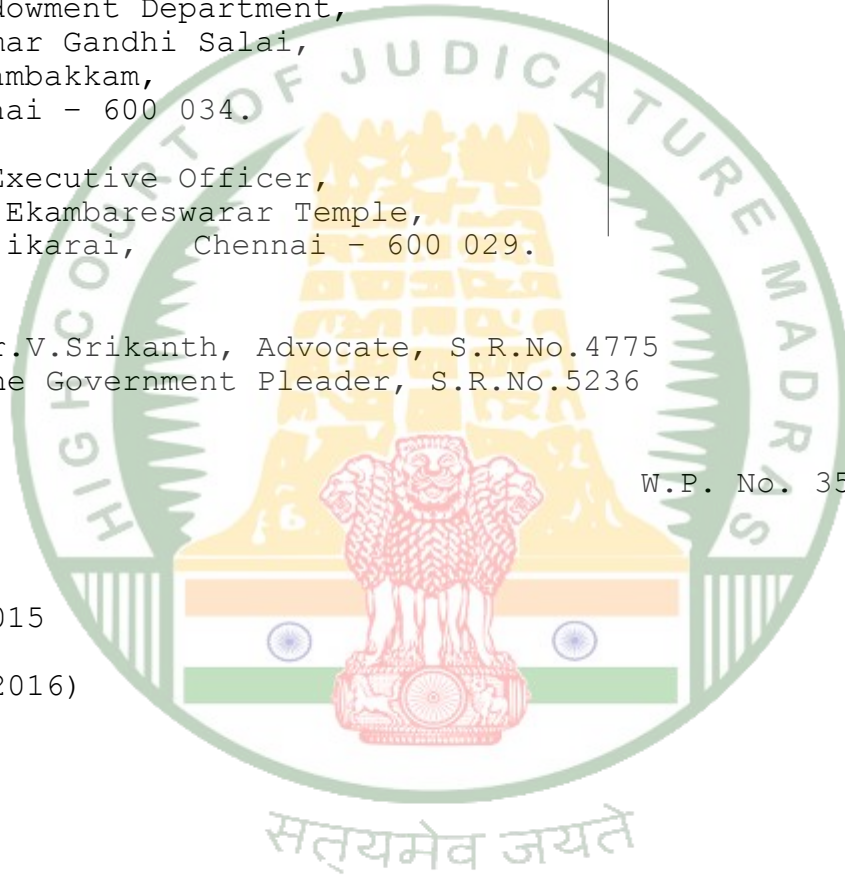
To be substituted
to the order already
despatched on
16.12.2015

+1cc to Mr.V.Srikanth, Advocate, S.R.No.4775
+1cc to the Government Pleader, S.R.No.5236

W.P. No. 35528 of 2015

msm(co)
aa23/11/2015

CA(05.02.2016)



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