

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2015

Coram

The Honourable Mr.JUSTICE M.M.SUNDRESH

Writ Petition No.35922 of 2015
& M.P.No.1 of 2015

A.Kokila

.. Petitioner

Vs

- 1 The Commissioner,
Hindu Religious and Charitable Endowment
Board, Nungambakkam, Chennai-34.
 - 2 The Joint Commissioner,
Hindu Religious and Charitable Endowment
Board, Nungambakkam, Chennai-34.
 - 3 The Assistant Commissioner.
Hindu Religious and Charitable Endowment
Board, Nungambakkam, Chennai-34.
 - 4 Thakkar / The Assistant Commissioner,
Arulmigu Sri Muthukumaraswamy Thirukovil,
44 Rasappa Chetty Street,
Poonga Nagar, Chennai-3.
- .. Respondents

PRAYER: PETITION under Article 226 of The Constitution of India praying for the issuance of Writ of Mandamus directing the 1st respondent herein to number the Revision N.D.No.53814 of 2015 and the stay petition filed by the petitioner before the 1st respondent on 14.10.2015 under Sec.21 of the Hindu Religious and Charitable Endowment Act against the order in Na.Ka.No. 2762/2015/A2 dated 30.09.2015 passed by the 2nd respondent and also grant an order of interim stay till the disposal of the Revision.

For Petitioner : Ms.R.T.Shyamala

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

O R D E R

The grievance of the petitioner is that though in pursuant to the order passed by this Court in W.P.No.32479 of 2015 dated 13.10.2015 an alternative remedy under Section 21 of the Hindu Religious and Charitable Endowment Act, 1959, has to be exhausted before the first respondent, the second respondent is threatening to evict the petitioner in view of the order dated 30.09.2015. Hence, the present writ petition.

2. By the order dated 13.10.2015 in W.P.No.32479 of 2015, this Court has passed the following order.

"As against the order impugned, admittedly, there is remedy available under Section 21 of the Hindu Religious and Charitable Endowment Act, 1959.

2. In view of the same, the writ petition is disposed of with liberty to the petitioner to work out the remedy under the said provision. No costs. Consequently, connected miscellaneous petitions are closed."

3. Now, as per the said order, the petitioner has got remedy under Section 21 of the Hindu Religious and Charitable Endowment Act, 1959. If the respondents 2 to 4 are permitted to evict the petitioner, then the very revision filed would become infructuous. Thus, the first respondent is directed to number the revision N.D.No.53814 of 2015 and dispose of the same on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Till such time, status quo as on today shall be maintained.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

raa

To

1 The Commissioner,
Hindu Religious and Charitable Endowment
Board, Nungambakkam, Chennai-34.

2 The Joint Commissioner,
Hindu Religious and Charitable Endowment
Board, Nungambakkam, Chennai-34.

3 The Assistant Commissioner.
Hindu Religious and Charitable Endowment
Board, Nungambakkam, Chennai-34.

4 Thakkar / The Assistant Commissioner,
Arulmigu Sri Muthukumaraswamy Thirukovil,
44 Rasappa Chetty Street,
Poonga Nagar, Chennai-3.

+lcc to Mr. R.t. Shyamala, Advocate, S.R.No.60552

+lcc to the Government Pleader, S.R.No.60690

PUR(CO)

EU(4/11/2015)

W.P.No.35922 of 2015

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