

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. Nos.40193 to 40198 of 2015 &
M.P.Nos. 1 to 1 of 2015

1.M.Padmanabhan	...Petitioner in WP.40193/15
2.K.Sundari	...Petitioner in WP.40194/15
3.S.Suseela	...Petitioner in WP.40195/15
4.K.Latha	...Petitioner in WP.40196/15
5.N.Mallika	...Petitioner in WP.40197/15
6.K.Gopal	...Petitioner in WP.40198/15

Vs

- | | | |
|---|--|-----------------|
| 1 | The Joint Commissioner
Hindu Religious & Charitable
Endowment Department
Coimbatore -18 | |
| 2 | The Assistant Commissioner
Hindu Religious & Charitable Endowment Department
Erode. | |
| 3 | The Hereditary Trustee
A/m. Om. Kaliyamman Thirukoil
Karunkalpayalam, Erode. | |
| 4 | The District Collector
Erode District. | [RESPONDENTS] |

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of certiorarified mandamus to call for the records relating to the impugned order passed by the 1st respondent in and by its proceedings in Misc.Petition No. 9/2014/8/14,10/14,7/14,11/14 &12/14 1 dated 17.11.2015 and quash the same and consequently direct the respondent not to evict the petitioner land in Block No.11 Old Survey No.30 New No.34 in Erode Town.

For Petitioners : Mr.V.Bharathidasan
for Mrs.P.T.Ramadevi

For Respondents :Mr.K.V.Dhanapalan - R1 to R3
Addl.Govt. Pleader

Mr.R.Rajeswaran - R4
Spl.Govt. Pleader.

C O M M O N O R D E R

Heard Mr.V.Bharathidasan, learned counsel appearing for the petitioner, Mr.K.V.Dhanapalan, learned Additional Government Pleader accepts notice for respondents 1 to 3 and Mr.R.Rajeswaran, learned Special Government Pleader who accepts notice for the fourth respondent and with their consent the Writ Petition is taken up for final disposal.

2.The orders passed in these Writ Petitions are passed by the first respondent under section 78 of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 (in short 'Act').

3.Admittedly, under the provisions of the Act, the petitioners have an effective alternate remedy. Therefore, it would be proper for the petitioners to exercise such remedy before approaching this Court. It has to be pointed out that the alternate remedy available to the petitioners is not only effective, but efficacious and a detailed procedure has been prescribed under the provisions of the Act with regard to the manner in which the Appellate/Revisional Authority has to consider the matter.

4.In the light of the above, thirty days time is granted to the petitioners to prefer appeal/revision as provided under the Act and if the same is preferred, the competent authority shall consider the same on merits and in accordance with law and after notice to all concerned, without rejecting the same on the ground of limitation. Since this Court has granted thirty days time to exercise the alternate remedy available under the Act, status quo which is prevailing as on date (21.12.2015) shall be maintained for a period of thirty days and thereafter, it is open to the petitioners to move for appropriate interim relief before the competent authority.

With the above observations, the Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rpa
To

- 1 The Joint Commissioner
Hindu Religious & Charitable
Endowment Department
Coimbatore -18
- 2 The Assistant Commissioner
Hindu Religious & Charitable Endowment Department
Erode.
- 3 The Hereditary Trustee
A/m. Om. Kaliyamman Thirukoil
Karunkalpayalam, Erode.
- 4 The District Collector
Erode District.

+1 cc to Mr.V.Bharathidasan Advocate sr.69020
+1 cc to the Special Government Pleader (HR & CE)
sr.69265

सत्यमेव जयते

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