

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.5103 of 2015 &
M.P.No.1 of 2015

K.Prasanna Venkatachalam

... Petitioner

Vs.

1. The Commissioner of HR & CE Department
Nungambakkam High Road
Chennai 600 034.
2. The Joint Commissioner of HR & CE
(Administrative Department)
Kottai Mariamman Temple Marriage Hall
Salem 636 001.
3. The Inspector of HR & CE
Near Ranganathar Temple
Namakkal 637 001.
- 4.K.K.Ashok
- 5.K.R.Sakunthala
- 6.K.P.Saptharishi Prasanna
- 7.K.P.Karthikeyan

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of certiorari to call for the records of the first respondent herein in App.No.25/08 D2, and quash the order dated 18.10.2010.

For Petitioner : Mr.K.Kalyana Sundaram, Sr.Counsel
for Mr.V.Srinivasan

For Respondents : No appearance

O R D E R

Heard Mr.K.Kalyana Sundaram, learned Senior Counsel appearing for the petitioner.

2.The petitioner has challenged the order passed by the Commissioner of HR & CE dated 18.10.2014.

3.Even at the time when the Writ Petition was posted for admission, it was pointed out that proper remedy for the petitioner is to invoke the provisions contained under section 70 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. Today, the learned Senior Counsel appearing for the petitioner would submit that the said remedy is not an efficacious remedy.

4.Such contention does not merit acceptance, since the provisions contained under section 70 of the Act, provides for filing a Suit and the powers conferred on the Court cannot be undermined and it cannot be stated to be an ineffective remedy.

5.Hence, the Writ Petition is dismissed as not maintainable. However, liberty is granted to the petitioner to work out his remedy under section 70 of the Act. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpa

To

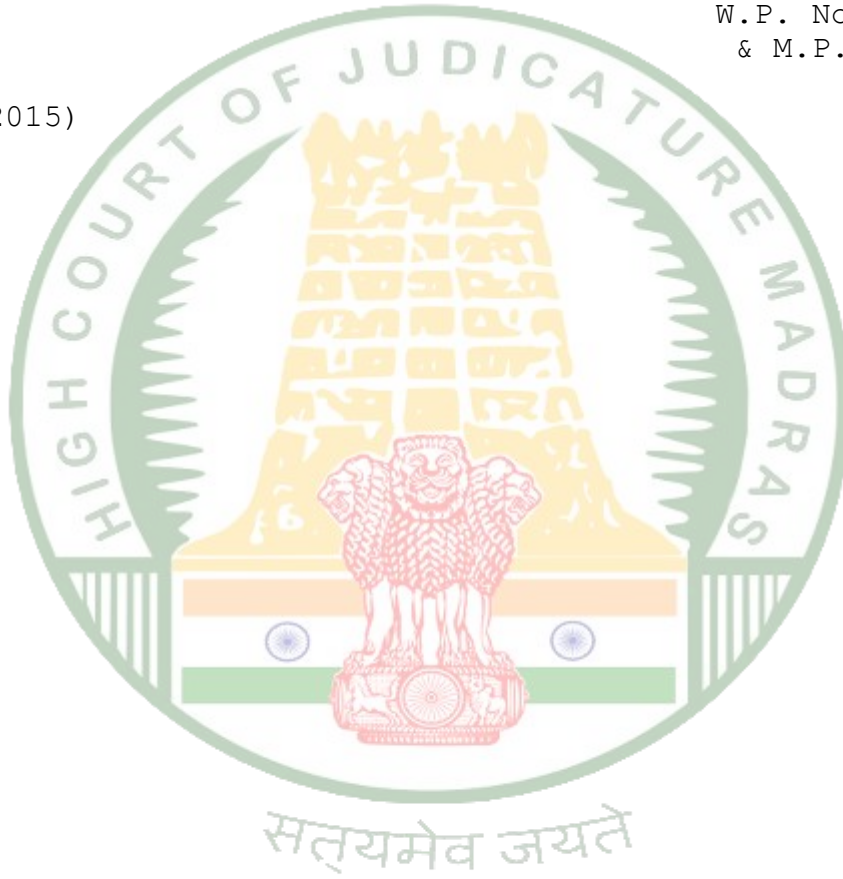
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+1cc to Mr.V.Srinivasan, Advocate, S.R.No.12854
+1cc to the Special Government Pleader, S.R.No.12921

GJ(CO)
CA(16/03/2015)

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