



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2015

CORAM:

THE HONOURABLE Mr.JUSTICE R.SUBBIAH

W.P.(MD)No.14744 of 2015

and

M.P.(MD)No.1 of 2015

G.Siddhanathan

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Dindigul.

3.The Executive Officer,
Arulmigu Dhandayuthapani Swami Thirukoil,
Palani Town and Taluk,
Dindigul District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order dated 31.03.2015 passed in I.A.No.101 of 2015 in R.C.No.10269 / 2014/ E (signed on 07.05.2015) passed by the 1st respondent and quash the same.

For Petitioner : Mr.G.R.Swaminathan for
Mr.T.Antony Arul Raj

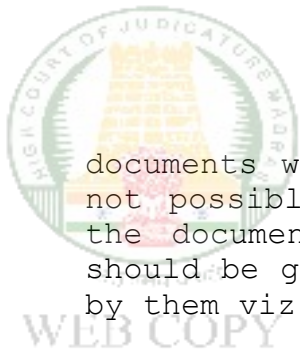
For Respondents : Mr.R.Velmurugan, G.A.for R1 and R2
Mr.K.Govindarajan for R3

ORDER

The Writ petition has been filed to issue a Writ of Certiorari, calling for the records relating to the impugned order dated 31.03.2015 passed in I.A.No.101 of 2015 in R.C.No.10269 / 2014/ E (signed on 07.05.2015) passed by the 1st respondent and quash the same.

2.Mr.R.Velmurugan, learned Government Advocate takes notice for respondents 1 and 2, Mr.K.Govindarajan, learned counsel entered appearance for the 3rd respondent. By consent, the Writ petition itself is taken up for final disposal.

3.An interim application filed by the petitioner in I.A.No.101 of 2015 in R.C.No.10269 / 2014/ E under Section 151 of C.P.C., praying the respondent to mark the Exs.1 to 10 through a witness, has been rejected by the 1st respondent. Challenging the impugned order dated 31.03.2015 passed by the 1st respondent, the petitioner is before this Court. It is the contention of the petitioner that unless and until the said



documents were marked by the respondents herein, through witness, it is not possible for him to cross examine and challenging the validity of the document. Hence, by setting aside the impugned order, direction should be given to the respondent to mark the documents already produced by them viz., Ex.1 to 10 through a witness.

4.The learned Government Advocate appearing for the respondents 1 and 2 submitted that the petitioner is having alternative remedy under Section 21 of Hindu Religious and Charitable Endowment Act and the present Writ petition is not maintainable.

5.The learned counsel appearing for the petitioner submitted that the petitioner is ready to avail the alternative remedy of filing appeal under Section 21 of the Act.

6.In view of the submissions made on either side, this Writ petition is dismissed. However, liberty is granted to the petitioner to file an appeal under Section 21 of the Act to challenge the impugned order.

No costs. Consequently, connected M.P.is closed.

Sd/-

Assistant Registrar(Writs)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Dindigul.

3.The Executive Officer,
Arulmigu Dhandayuthapani Swami Thirukoil,
Palani Town and Taluk, Dindigul District.

+1cc to Special Govt.Pleader SR.No.47178

+1cc to Mr.T.Antony Arul Raj,Advocate SR.No.47014

W.P. (MD)No.14744 of 2015

17.08.2015

nbj

PA/AMF/SAR-I/18.08.2015/2P/6C