



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.01.2015

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P. (MD) No.288 of 2015

and

M.P. (MD) .Nos.1 and 2 of 2015

N.Rajagopal

... Petitioner

Vs.

1. The Joint Commissioner,  
Hindu Religious &  
Charitable Endowment,  
Tirunelveli District,  
Tirunelveli.

2. The Assistant Commissioner,  
Hindu Religious and Charitable  
Endowment,  
Tirunelveli District,  
Tirunelveli.

3. The Executive Officer,  
Thirucourtalanathar Swamy Thirukovil,  
Hindu Religious and Charitable  
Endowment,  
Courtalam,  
Tirunelveli District.

4. E.Esakkiyapillai

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the impugned notification issued by the third respondent dated 09.12.2014 published in Thina Thanthi Tamil daily news paper on 11.12.2014 and quash the portion of the Notification in Serial No.10.

For Petitioner : Mr.S.Gokulraj

For R1 and R2 : Mr.N.S.Karthikeyan  
Additional Govt. Pleader

For R3 : Mr.S.Manohar

O R D E R

The Writ Petition has been filed to quash the portion of the Notification in Serial No.10 issued by the third respondent dated 09.12.2014 published in Thina Thanthi Tamil daily news paper on



2. According to the petitioner, he is the tenant under the Hindu Religious and Charitable Endowment Department. He has paid all the pendency of rent up to 10 lakhs. Due to his old age, he sought the assistance of the fourth respondent to conduct the business. Thereafter, now the fourth respondent attempt to change the Shop No.35 in his name for which he has submitted an application. Therefore, the HR & CE Department has published the proposal to change the name. Hence, the petitioner has come forward with the present writ petition challenging the very notification. According to him, the fourth respondent has no title or interest over the property.

3. The learned Additional Government Pleader appearing for the HR and CE Department would bring to the notice of this Court that the petitioner himself has given a consent agreement dated 27.08.2014. Pursuant to that, the Department had taken necessary steps for transfer. In fact, the fourth respondent in-turn has paid a sum of Rs.12 lakhs and even receipts have been issued in his name. In any view of the matter, the writ petition itself is not maintainable, because the notification which is sought to be quashed is in respect of Item No.10 in the first list.

4. When the matter was taken up for admission, no notice was ordered to the fourth respondent, because the very notification is only calling for an objection from any one concerned in writing on or before 19.12.2014. Thereafter, the authority will consider the same, if any objection has been made. It is the contention of the petitioner that he had made an objection on 16.12.2014 which has been duly acknowledged by the Commissioner. Therefore, the apprehension is pre-mature and the petitioner has got every legal right to appear before the authority concerned to submit his explanation and thereafter, the authority will pass orders.

5. It is very clear that the Commissioner will give an opportunity not only to the petitioner but also to the fourth respondent, because as per the records produced, the petitioner has given a consent to the fourth respondent and the fourth respondent has also paid a sum of Rs.12 lakhs in respect of the same. Therefore, the present apprehension made by the petitioner is unfounded and the Commissioner will give an opportunity to the petitioner before passing an order.

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

Sd/-  
Assistant Registrar

/True Copy/

Sub Assistant Registrar(C.S)



To

1. The Joint Commissioner,  
Hindu Religious &  
Charitable Endowment,  
Tirunelveli District,  
Tirunelveli.
2. The Assistant Commissioner,  
Hindu Religious and Charitable  
Endowment,  
Tirunelveli District,  
Tirunelveli.
3. The Executive Officer,  
Thirucourtalanathar Swamy Thirukovil,  
Hindu Religious and Charitable  
Endowment,  
Courtalam,  
Tirunelveli District.

+1cc to Mr. S.Gokulraj, Advocate in SR.No. 1894

+1cc to Mr. S.Monohar, Advocate in SR.No. 1899

+1cc to Special Government Pleader in SR.No. 1980.

TS/11.02.2015/3P-7C

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