

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2016

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Dr. JUSTICE P.DEVADASS

W.A.No.1816 of 2015

and

M.P.No.1 of 2015

K.Venkatraman

..Appellant/Petitioner

Vs.

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

2.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam, Chennai - 34.

3.The Executive Officer,
Arulmighu Balasubramaniya Swamy
Thirukoil, Teynampet,
Chennai - 18.

4.Velapushpam

5.Jothi Murugan

..Respondents/Respondents

R4&5 impleaded as per order of
Court dated 19.11.2015 in MP.No.3/2015

Writ Appeal filed under Clause 15 of Letters Patent against
the order of this Court dated 20.11.2015 made in W.P.No.3716 of
2015 filed under Article 226 of the Constitution of India,
praying to issue a writ of Certiorarified Mandamus, Calling for
the records of the second respondent herein in Na.Ka.No.

4156/2014/A1 dated 29.01.2015 and quash the same and further direct the second respondent herein to pass final order in Na.Ka. No.4156/2014/A1 dated 29.01.2015 after giving sufficient opportunity to the petitioner.

For Appellant .. Mr.J.Sudhakaran

For Respondents .. Mr.K.V.Dhanapalan,
Addl. Govt. Pleader (H.R. & C.E.)
for R1 to R3

JUDGMENT

(Judgment of the Court was delivered by SATISH K.AGNIHOTRI, J.)

Mr.K.V.Dhanapalan, learned Additional Government Pleader (H.R. & C.E.) accepts notice on behalf of respondents 1 to 3. Notice to respondents 4 and 5 is dispensed with at this stage, as, no adverse order is passed against them in this writ appeal. Thus, with the consent of the learned counsel for the appellant and the learned Additional Government Pleader appearing for respondents 1 to 3, the writ appeal is taken up for final disposal, at the admission stage itself.

2.The instant appeal is directed against the order dated 20 November 2015 made in W.P.No.3716 of 2015, whereby the appellant/writ petitioner was granted liberty to workout his remedy under Section 114-A of the Tamil Nadu Hindu Religious and Charitable Endowments Act (for short 'the Act').

3.Learned counsel appearing for the appellant/writ petitioner submits that the appellant is granted liberty to file revision under the provisions of Section 114-A of the Act. In fact, the Joint/Deputy Commissioner is also competent to call for the records and pass orders under Section 21-A of the Act. Thus, the appellant be permitted to move the Joint Commissioner for exercise of his/her powers under the provisions of Section 21-A of the Act.

4.In view of the above submission made by the learned counsel appearing for the appellant, the order of the learned single Judge is modified to the effect that the appellant is at liberty to workout his remedy before the Joint Commissioner, under the provisions of the Act. The order of status quo granted by the learned single Judge shall remain in force for a further period of two weeks.

5.With the above clarification, the writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

sd/-
Assistant Registrar (CO)

/TRUE COPY/

Sub-Assistant Registrar

mmi

To

- 1.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam, Chennai - 34.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam, Chennai - 34.
- 3.The Executive Officer,
Arulmighu Balasubramaniya Swamy
Thirukoil, Teynampet,
Chennai - 18.

+1 CC to MR.J.Sudhakaran Advocate. SR.NO.1135
+1 CC to Govt.Pleader. SR.NO. 1346

W.A.No.1816 of 2015

CO-GR
JD 28/01/2016

सत्यमेव जयते

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