

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2016

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.16662/16 and
WMP.No.14402/2016

M.Akbar Basha

.. Petitioner

Vs

- 1 The Executive Officer
Arulmighu Selva Vinayagar Thirukoil
Labbaikudikadu 621 108 Perambalur District
 - 2 The Joint Commissioner
The Hindu Religious and Charitable
Endowments Department Trichy 6
 - 3 The Assistant Commissioner
The Hindu Religious and Charitable
Endowments Department Ariyalur
- ... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records in the impugned notice dt 30.3.2016 on the file of the 1st respondent and to quash the same as illegal and without jurisdiction and to consequently forbear the respondents from interfering with the petitioners possession of the property in S. No. 149/2 for an extent of 489 sq.ft. located at 135 East main Road Labbaikkudikadu 621 108 Perambalur District.

For Petitioner : Mr.V.Prakash sr. counsel
for K.Krishnamoorthy
For R1 : Mr. Rajasekar
For R2 & R3 : Mrs.Rita Chandrasekar
Spl.G.P. for HR & CE

ORDER

This Court on hearing the rival submissions is prima facie of the view that the petitioner, who is a licensee, cannot make complaint as to the reasons cited for terminating/cancelling the license. It is also a well settled position of law that even in respect of termination of lease, no reason needs to be cited.

2. Further, the learned counsel appearing for the first respondent would fairly state that since one of the grounds of challenge is the competence of the first respondent to cancel the license they are withdrawing the impugned notice and initiating action under Section 78 of Tamil Nadu Hindu Religious and Charitable Endowment, Act.

3. In the light of the said submission, the impugned notice dated 30.3.2016 is quashed and the respondents are at liberty to initiate proceedings under the provisions of Tamil Nadu Hindu Religious and Charitable Endowment, Act.

4. Writ petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To:

- 1 The Executive Officer
Arulmighu Selva Vinayagar Thirukoil
Labbaikudikadu 621 108, Perambalur District
- 2 The Joint Commissioner
The Hindu Religious and Charitable
Endowments Department, Trichy 6
- 3 The Assistant Commissioner
The Hindu Religious and Charitable
Endowments Department, Ariyalur.

+3 ccs to Mr.K.Krishnamoorthy Advocate sr.30245

+1 cc to the Government pleader sr.29915

+1 cc to Mr.M.Rajasekhar Addvocate sr.29854

W.P.No.16662/16

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