

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24580 of 2016

&

WMP.Nos.20993 & 20994 of 2016

S.Kannan

... Petitioner

Versus

1. The Commissioner
Hindu Religious & Charitable
Endowment [HR&CE] Department
Nungambakkam, Chennai-34.
2. The Joint Commissioner
Hindu Religious & Charitable
Endowment [HR&CE] Department
Kottai Mariamman Temple Complex
Salem-1.
3. Fit Person/Assistant Commissioner
[Admin], Hindu Religious & Charitable
Endowment [HR&CE] Department
Kottai Mariamman Temple Complex
Salem-1.
4. The Executive Officer
Arulmigu Vinayagar & Mariamman
Vagaiyaraa temples,
Suramangalam
Salem - 5.
5. The Revenue Divisional Officer
Salem.
6. The Deputy Superintendent of Police
Suramangalam,
Salem.
7. The Tahsildar
Salem West, Pallapatti,
Salem.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorari calling for the records pertaining to the impugned order in Na.Ka.No.1269/2012/C2 dated 08.07.2016 signed on 11.07.2016 on the file of the 3rd respondent and quash the same.

For Petitioner : Mr.R.Neelakandan

For R1 to R4 : Mr.Rita Chandrasekar,
Special Government Pleader {HR&CE}

For RR 5 to 7 : Mr.S.Pattabiraman,
Government Advocate

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner challenging the legality of the action initiated u/s.78 and 79 of the Tamil Nadu Hindu Religious and Endowment Act, 1959, had approached the 1st respondent in the form of revision and according to the learned counsel for the petitioner, it was filed on time ; but the same was returned for the reason that the original order passed by the Joint Commissioner, HR&Ce, Salem, has not been filed and it was also explained that it has been filed along with WP.No.21370/2015 and it was also accepted and in all probability, it will be numbered and taken on file. The apprehension expressed by the petitioner is that the 3rd respondent, vide impugned proceedings dated 08.07.2016 has called upon the petitioner to vacate and deliver the possession of the shop in question on 16.07.2016 despite the fact that the revision has been filed against the order of the Joint Commissioner, HR&CE and hence, prays for appropriate orders.

3. This Court heard the submissions of Mrs.Rita Chandrasekar, learned Special Government Pleader {HR&CE} who accepts notice on behalf of the respondents 1 to 4 and Mr.S.Pattabiraman, learned Government Advocate, who accepts notice on behalf of the respondents 5 to 7.

4. Taking into consideration the above facts and circumstances, this Court directs the 1st respondent to entertain the revision, if the papers are otherwise in order and take up the application for stay on 26.07.2016 and give a disposal as expeditiously as possible and till then, the 3rd respondent is directed to defer further proceedings in terms of the letter dated 08.07.2016 in Na.Ka.No.1269/2012/C2.

5. The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

AP

To

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RSK(CO)
CA(19/07/2016)