

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No. 28224 of 2016
and

W.M.P. Nos. 24367 and 24368 of 2016

A. Kudiarasu
S/o. Arumugam
Secretary
Sarva Hindu Thiru Koil Trust
R.10, 4th Main Road
Ayapakkam
Chennai - 600 077

.. Petitioner

Versus

1. The District Collector,
Thiruvallur,
Thiruvallur District.
2. The Thasildar,
Avadi Taluk,
Avadi,
Chennai.
3. The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai-600 007.
4. The Inspector of Police (L & O),
Thirumullaivoyal Police Station,
Chennai.
5. The Commissioner,
Hindu Religious Endowment Board,
Nungambakkam,
Chennai - 600 034.

6. T. Pugazhendhi,
Son of Thangavelu,
Secretary,
Siva Vishnu Thirukoil Trust,
Plot No.8908, T.N.H.B.
Ayapakkam
Chennai - 600 007

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for a Writ of Certiorari to call for the records relating to the order passed by the second respondent in Na.Ka.No.3549/2016/A1 dated 24.06.2016 and to quash the same.

For Petitioner :Dr. G. Krishnamurthy

For Respondents :Mr. Sanjay Gandhi
Additional Government Pleader
for RR1 to 4

Mr. M. Maharaja
Special Government Pleader for R4

ORDER

This writ petition has been filed by the petitioner challenging the order dated 24.06.2016 of the second respondent, in and by which, the second respondent, after conducting a peace committing meeting, issued certain directions for performance of kumbabhishekham for the deity of Arulmighu Sri Ananda Venkatesa Perumal and Unnamalai and Annamalaiyar Temple on 10.07.2016.

2. The learned counsel for the petitioner would mainly attack the order dated 24.06.2016 of the second respondent on the ground that the second respondent has no power to pass such an order to amalgamate and/or merge the petitioner Trust and the Sixth respondent Trust after performance of the kumbabhishegam for the temple.

3. Opposing the writ petition, the learned Special Government Pleader appearing for the fifth respondent would contend that the writ petition is not maintainable. If the petitioner is aggrieved by the order passed by the second respondent, he has to only file an appeal under Section 63 of the Hindu Religious and Charitable Endowments Act. When such an alternative remedy is available, the present writ petition is not available and he prayed for dismissal of this writ petition.

4. I heard the learned counsel on either side and perused the materials placed on record. Admittedly, as against the order passed by the second respondent in the peace committee meeting, the petitioner an appeal remedy is provided under Section 63 of the Hindu Religious and Charitable Endowments Act. Therefore, without expressing any opinion as to the merits of the averments raised by the petitioner, the petitioner is permitted to file a statutory appeal under Section 63 of the Hindu Religious and Charitable Endowments Act before the appellate authority in which he can raise all the points which are raised in this writ petition.

5. Subject to the aforesaid observations, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Thiruvallur,
Thiruvallur District.
2. The Thasildar,
Avadi Taluk,
Avadi,
Chennai.
3. The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai.
4. The Inspector of Police (L & O),
Thirumullaivoyal Police Station,
Chennai.

5. The Commissioner,
Hindu Religious Endowment Board,
Nungambakkam,
Chennai - 600 034.

+2cc to M/S.Dr.G.Krishnamurthy, Advocate Sr.46383
+1cc to the Government Pleader Sr.46782

WP No. 28224 of 2016

ctk[col]
srg 06/09/2016



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