

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.A.No.900 of 2016

&

C.M.P.No.11499 of 2016

P.Thirumalisamy

... Appellant

-Vs-

1. The Assistant Commissioner
Hindu Religious and Charitable
Endowments Administration Department
Tiruppur-4

2. Dhanushkodi
S/o Kalimuthu Gounder

... Respondents

Appeal under Clause 15 of the Letters Patent, against the order dated 27.06.2016 made in W.P.No.3878 of 2016.

W.P.No.3878 of 2016 : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or any other appropriate writ or order or direction to call for the records of the first respondent made in proceedings SE. MU. NA.K A. NO.1068/2015/A2, DATED 4/1/16 signed on 8/1/16 which was served on the petitioner on 11/1/16 and Quash the same and consequently forbear the second respondent from interfering with the administration and the day-to-day affairs of Arulmighu Kattalamman, Uchikaliyamman and Oorpillayar Kovil situated at Samarayapatti, West Kumaralingam Village, Madathukulam taluk, Tirupur District.

For Appellant : Mr.N.Umapathi

For Respondents : Mrs.Rita Chandrasekaran
Special Government Pleader for R1

JUDGMENT

(Judgment of the Court was made by HULUVADI G.RAMESH, J.)

This appeal is against the order passed by the learned single Judge, whereby the learned single Judge has dismissed the writ petition filed by the appellant/writ petitioner, on the

ground that the appellant/writ petitioner is having an effective alternate remedy of appeal under Section 21-A of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 before the jurisdictional Joint Commissioner.

2. Heard the learned counsel for the appellant and the learned Special Government Pleader taking notice on behalf of the first respondent.

3. In our view, by the impugned order, the learned single Judge has rightly directed the appellant/writ petitioner to approach the jurisdictional Joint Commissioner by way of appeal under Section 21-A of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 and to put forth all his contentions before the appellate authority. We do not find any irregularity or illegality in the order of the learned single Judge, much less any violation of the principles of natural justice, as the learned Judge has directed the first respondent to consider the appeal in accordance with law after hearing the parties. Hence, the appellant is at liberty to approach the jurisdictional Joint Commissioner/appellate authority by way of an appeal against the order of the first respondent dated 4.1.2016 within a period of one month from the date of receipt of a copy of this order and it is for the first respondent/appellate authority to consider the same and to pass appropriate orders in accordance with law after hearing the parties within a further period of two months thereafter. The writ appeal stands disposed of accordingly. Consequently, C.M.P.No.11499 of 2016 is closed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ss

To

The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Administration Department,
Tiruppur-4.

+1cc to Mr.N.Umapathi, Advocate, S.R.No.42383

W.A.No.900 of 2016

RP(CO)
CA(10/08/2016)