

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.36682 of 2016
and
W.M.P.No.31532 of 2016

Arun Kulachandran

.. Petitioner

- Vs -

1. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam High Road,
Nungambakkam, Chennai - 600 034.

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam High Road,
Nungambakkam, Chennai - 600 034.

3. Arulmighu Theertha Paaleshwarar Thirukoil,
rep. by its Executive Officer,
Triplicane, Chennai - 600 005.

.. Respondents

Prayer:- Writ petition filed under Section 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus directing calling for the impugned proceedings of the 2nd respondent in Nada.Na.Ka.No.5208/2009/A2 dated 21.07.2016 and quash the same and consequently direct the 3rd respondent to refix the fair rent to the petitioner land as per G.O.Ms.No.298, Hindu Religious and Charitable Endowment Department, dated 20.07.2010.

For Petitioner : Mr.B.Ullasavelan
For Respondents : Mr.M.Maharaja

Special Government Pleader

O R D E R

The writ petition has been filed seeking to quash the impugned proceedings of the 2nd respondent in Nada.Na.Ka.No.5208/2009/A2 dated 21.07.2016 and consequently

direct the 3rd respondent to refix the fair rent to the petitioner land as per G.O.Ms.No.298, Hindu Religious and Charitable Endowment Department, dated 20.07.2010.

2. The learned Special Government Pleader appearing for the respondents would submit that as against the impugned order, there is an provision for appeal to the Commissioner and sought dismissal of the writ petition.

3. The learned counsel appearing for the petitioner would submit that the petitioner may be permitted to prefer an appeal before the Commissioner and the appellate authority may be directed to pass orders within a time frame.

4. In view of the above, this Court without going into the merits of the writ petition, permits the petitioner to file an appeal before the first respondent within a period of 15 days from the date of receipt of a copy of this order and on receipt of the same, the first respondent shall consider and dispose of the appeal preferred by the petitioner on merits and in accordance with law and pass orders as expeditiously as possible without taking into consideration the period of limitation. The writ petition is disposed of accordingly. The Registry is directed to return the original impugned order dated 21.07.2016 to the petitioner. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam High Road,
Nungambakkam, Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam High Road,
Nungambakkam, Chennai - 600 034.
3. The Executive Officer,
Arulmighu Theertha Paaleshwarar Thirukoil,
Triplicane, Chennai - 600 005.

+1cc to Mr.S. Sharmila, Advocate, S.R.No.61768
+1cc to the Government Pleader, S.R.No.61922

GJ(CO)
md(3/11/2016)

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