

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2016

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

W.P. No.515 of 2016
& WMP.356/16

Agarwal Bhavan

... Petitioner

Vs.

1. The Joint Commissioner
Hindu Religious and Charitable Endowments Department,
Uthamar Gandhi Salai, Chennai.

2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Uthamar Gandhi Salai, Chennai.

3. The Executive Officer,
A/m. Arunachaleswarar and Varadharaja Perumal Temple,
No. 24, Palliyappan Street, Chennai. Respondents

P R A Y E R: Petition filed under Article 226 of The
Constitution of India praying to issue a writ of certiorari
calling for the record of the 1st respondent in NaKaNo. 6589 of
2015 dated 12.11.2015 and quash the same.

For Petitioner : Mr.T.L.Ram Mohan.Senior Counsel
for M/s.G.Sumithra
For Respondents : Mr.P.Sanjay Gandhi,
Addl. Government Pleader.

ORDER

Admittedly, the impugned order of the respondent No. 1 in
Na.Ka.No. 6589 of 2015, dated 12.11.2015, is only a notice
calling upon the petitioner for enquiry under Section 78(2) of
the Tamil Nadu Hindu Religious and Charitable Endowments Act,
1959.

2. Heard the learned Senior counsel for the petitioner
and the learned Additional Government Pleader for the
respondents. The Learned Senior counsel for the petitioner
submitted that though there is no difficulty in appearing for
enquiry and putting forth the case of the petitioner, orally a

demand is being made requiring the petitioner to pay a sum of Rs. 50 lakhs.

3. There is no material on record to substantiate the said statement. However, it is made clear that the respondent No. 1 shall pass appropriate final orders only on the merits of the case, without insisting upon any precondition, including deposit of Rs. 50 Lakhs by way of oral request, as the same would be beyond the scope of Section 78(2) of the H.R. & C.E. Act.

4. Accordingly, the present writ petition is disposed of by giving an opportunity to the petitioner to give a suitable reply to the respondent No. 1 within a period of two weeks from the date of receipt of copy of this order. Thereafter, appropriate final orders will have to be passed under Section 78(2) of the H.R. & C.E. Act, by the respondent No. 1, within a further period of two weeks from the date of receipt of the reply from the petitioner.

5. With the above directions, the writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

sd/-

Assistant Registrar(Cs-V)

/TRUE COPY/

Sub-Assistant Registrar

rms

To

1. The Joint Commissioner
Hindu Religious and Charitable Endowments Department,
Uthamar Gandhi Salai, Chennai-34.

2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Uthamar Gandhi Salai, Chennai-34.

3. The Executive Officer,
A/m. Arunachaleswarar and Varadharaja Perumal Temple,
No. 24, Palliyappan Street, Chennai-79.

+1 CC to M/s.G.Sumithra Advocate. SR.NO.934

+1 CC to Govt.Pleader. SR.NO. 1351

W.P.No. 515 of 2016

CO-MP

srn 08/01/2016

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