



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.1827 of 2016

and

W.M.P (MD) No.1572 of 2016

Nallathambi

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Madurai.

2.The Deputy Commissioner/
Executive Officer,
Arulmighu Subramaniaswamy Thirukovil,
Thiruparankundram,
Madurai 625 005.

3.The District Collector,
Madurai District,
Madurai.

4.The Tahsildar,
Madurai South Taluk,
Madurai.

5.The Commissioner,
Madurai Corporation,
Madurai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned order made in Miscellaneous Petition in Na.Ka.No.3335/2015/E1, dated 15.12.2015 passed by the 1st respondent and to quash the same.

For Petitioner : Mr.Babu Rajendran

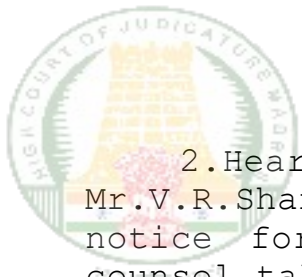
For Respondents 1,3&4 : Mr.V.R.Shanmuganathan,
Special Government Pleader.

For 2nd Respondent : Mr.S.Manohar

ORDER

(Order of the Court was made by V.RAMASUBRAMANIAN,J.)

<https://hcservices.ecourts.gov.in/responses> The Petitioner has come up with the above writ petition challenging an order of eviction passed under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.



2. Heard Mr. Babu Rajendran, learned counsel for the petitioner. Mr. V. R. Shanmuganathan, learned Special Government Pleader takes notice for the respondents 1, 3 and 4. Mr. S. Manohar, learned counsel takes notice for the second respondent.

3. As against the impugned order, the petitioner has an effective alternative remedy of appeal under Section 21. The grievance of the petitioner is that the proceedings under Section 78 should be conducted like a suit but the second respondent failed to do so. Moreover, the grievance of the petitioner is that though there are persons who are similarly placed like him, none of whom is sought to be evicted. We think both the grievances can be addressed. If the procedure adopted by the second respondent is not in accordance with Section 78, that is also a matter which can be agitated in an appeal under Section 21. The proceedings under Section 78 are indicated to be summary in nature, in the decision of this Court in *K.V. Lakshmi Ammal Vs. The Joint Commissioner, Madurai and another, 2010 (1) CWC 490*.

4. Insofar as the other grievance is concerned, we can direct the first respondent to take action uniformly against all.

5. Therefore, the writ petition is disposed of leaving it open to the petitioner to file a statutory appeal. The second respondent shall take action against all similarly placed persons for eviction and file a compliance report. No costs. Consequently, W.M.P (MD) No. 1572 of 2016 is closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub-Assistant Registrar

To

1. The Joint Commissioner,

Hindu Religious and Charitable Endowment Board, Madurai.

2. The District Collector, Madurai District, Madurai.

3. The Tahsildar, Madurai South Taluk, Madurai.

4. The Deputy Commissioner/

Executive Officer,

Arulmighu Subramaniaswamy Thirukovil,

Thiruparankundram, Madurai 625 005.

5. The Commissioner,

Madurai Corporation, Madurai.

+One cc to M/s. Babu Rajendran, Advocate, SR.No.5335

+One cc to The special Government Pleader, SR.No.5718

sms

RL/8C/AL/MPA/9/2/2016

Writ Petition (MD) No.1827 of 2016

and

W.M.P (MD) No.1572 of 2016