



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.18818 of 2016
and W.M.P (MD) No.13599 of 2016

N.Raghupathi

... Petitioner

Vs.

1.The Joint Commissioner,
HR & CE Department,
Trivandrum Road,
Palayamkottai,
Tirunelveli - 2.

2.The Executive Officer,
A/m.Thiru Kutralanatha Swamy Temple,
Courtallam,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings issued by the first respondent in I.A.No.1 of 2015 in M.P.No.3 of 2014, dated 27.07.2016 and quash the same and consequently direct the first respondent to appoint a committee to appraise the value of the improvements made by the petitioner in the second respondent rental vacant premises in No.55, Sannathy Street, Courtallam, Tenkasi Taluk, Tirunelveli District.

For Petitioner: Mr.N.Sankar Ganesh
For R - 1 : Mr.R.Anandharaj
Government Advocate
For R - 2 : Mr.S.Manohar

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

2.By consent, the Writ Petition itself is taken up for final disposal.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The petitioner has filed an application before the Joint Commissioner, Hindu Religious and Charitable Endowment Department



under Section 34 (c) (2) (1) of the Hindu Religious and Charitable Endowments Act, 1959 and the above application has been rejected by the first respondent. Challenging the same, the present Writ Petition has been filed.

4. Against the order passed under Section 34 (c) (2) (1) of the Hindu Religious and Charitable Endowments Act, 1959, an appeal remedy is provided before the Commissioner, HR & CE Department, under Section 34(c) (5) of the Hindu Religious and Charitable Endowments Act, 1959. Without availing the said appeal remedy, the petitioner cannot approach this Court by way of filing this Writ Petition and hence, the same is not maintainable.

5. In view of the same, this Writ Petition is dismissed. However, liberty is given to the petitioner to challenge the order passed by the first respondent before the Commissioner, HR & CE Department in the manner known to law. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

1. The Joint Commissioner,
HR & CE Department,
Trivandrum Road,
Palayamkottai, Tirunelveli - 2.

2. The Executive Officer,
A/m. Thiru Kutralanatha Swamy Temple,
Courtallam,
Tirunelveli District.

+1cc to Mr. N. Shankar Ganesh, Advocate SR.No.57062/16

+1cc to special Government Pleader Sr.No.57768/16

PS

sm:SKS-RR:17/10/2016:2P/5C

W.P (MD) No.18818 of 2016
29.09.2016