



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2016

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD)No.19250 of 2016

and

W.M.P. (MD)No.13899 & 13900 of 2016

M.K.N.M.Pandia Nadar & Co.,
Rep. by its Proprietor,
M.Mugundarajan,
Shop No.8A, Old Shop No.157,
Door No.87, East Masi Street,
Madurai 625 001.

.. Petitioner

Vs.

1. The Joint Commissioner,
Office of the Joint Commissioner, (Admn. Department),
Hindu Religious & Charitable Endowment, Madurai 625 001.

2. The Assistant Commissioner,
O/o. The Assistant Commissioner, (Admn. Department),
Hindu Religious & Charitable Endowment, Madurai.

3. The Deputy Commissioner,
Executive Officer,
A/m. Meenakshi Sundareswarar Devasthanam,
Madurai.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned report of the second respondent in Na.Ka.No.403/2016/AA1/dated 07.03.2016 and consequential impugned proceedings of the first respondent in Na.Ka.No.2385/2016/E1, dated 29.08.2016 issued under Section 80(2) of the HR & CE Act and to quash the same.

For Petitioner	:	Mr.S.Srinivasa Raghavan
For R-1 & R-2	:	Mr.N.S.Karthikeyan Additional Government Pleader
For R-3	:	Mr.K.Govindharajan

**ORDER**

The petitioner challenging the notice issued by the first respondent/Joint Commissioner, Hindu Religious and Charitable Endowment, directing the petitioner to appear for enquiry. The main ground raised by the petitioner is that already the first respondent initiated the proceedings under Sections 78 of the Hindu Religious and Charitable Endowments Act, when the above said proceedings is pending, the first respondent initiated parallel proceedings under Section 80 of Hindu Religious and Charitable Endowments Act and issued the impugned notice for enquiry. Hence the petitioner raised an objection that document was not furnished to him and without furnishing the document, the enquiry should not be proceeded with.

2. Mr.K.Govindarajan, learned counsel appearing for the third respondent would submit that the respondents did not initiate the proceedings under Section 78 of the Hindu Religious and Charitable Endowments Act, the proceedings were initiated against the petitioner only under Section 80 of the Hindu Religious and Charitable Endowments Act. For which the present impugned notice has been issued and no proceedings were pending against the petitioner under Section 78 of the Hindu Religious and Charitable Endowments Act.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2 and also the learned counsel appearing for the third respondent.

4. Since it is submitted by the respondents that there is no proceedings are pending against the petitioner under Section 78 of the Hindu Religious and Charitable Endowments Act, the main ground raised by the petitioner is challenging the impugned enquiry notice cannot be countenanced.

5. In the above circumstances, the petitioner is directed to appear before the first respondent and raise all his objections and the first respondent is also directed to consider his objections, after giving opportunity to the petitioner and pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, the Writ petition is disposed of. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

/True copy/



To

1. The Joint Commissioner,
Office of the Joint Commissioner, (Admn. Department),
Hindu Religious & Charitable Endowment, Madurai 625 001.

2. The Assistant Commissioner,
O/o. The Assistant Commissioner, (Admn. Department),
Hindu Religious & Charitable Endowment, Madurai.

3. The Deputy Commissioner,
Executive Officer, A/m. Meenakshi Sundareswarar Devasthanam,
Madurai.

+1 CC to Mr.S.SRINIVASA RAGHAVAN, Advocate, SR No.59651

+1 CC to Mr.K.GOVINDARAJAN, Advocate, SR No.59538

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.59520

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