



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P. [MD].No.3501 of 2013

and

M.P. (MD) .Nos.1 & 2 of 2013

S.Bose

.. Petitioner

Vs.

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

2.The Joint Commissioner of Hindu Religious
and Charitable Endowments Department,
Sivaganga.

3.The Executive Officer,
Arulmigu Nadcahdai Thavirtharuzhiya Swamy Temple,
Devadhanam Post,
Seithur Via., Rajapalayam Taluk,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records in pursuant to the impugned notice issued by the 1st respondent vide Ref.Na.Ka.No.6393/2012/H4, dated 22.02.2013, and quash the same.

For Petitioner : Mr.C.Muthu Saravanan

For respondents : Mr.Aayiram K.Selvakumar
1 & 2 Government Advocate

For 3rd respondent : Mr.S.Manohar

O R D E R

[Order of the Court was made by **S.NAGAMUTHU, J.**]

The petitioner has come up with this Public Interest Litigation, challenging the proceedings of the first respondent in Na.Ka.No.6393/2012/H4, dated 22.02.2013, wherein the first respondent had ordered for enquiry into the allegations made by the general public that some live tamarind trees have been cut by the petitioner herein.



2. When the matter was taken up for hearing, the learned counsel for the petitioner would submit that the petitioner was the successful bidder in the auction held for cutting the dried up tamarind trees and the auction was also confirmed in his favour. He would further submit that the petitioner is prepared to go before the first respondent, who had issued the show cause notice dated 22.02.2013 and participate in the enquiry and he will wait for the outcome of the said enquiry and until then, he would not cut any trees. The said statement is recorded.

3. In view of the above, the Writ Petition is disposed of in the following terms:

(a) The first respondent shall hold necessary enquiry, as already proposed, in which the petitioner shall be afforded sufficient opportunity;

(b) The first respondent shall complete the enquiry and pass final order within a period of eight weeks from the date of receipt of a copy of this order; and

(c) Until the final order is passed by the first respondent, the petitioner shall not cut any tree.

4. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

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

2. The Joint Commissioner of Hindu Religious
and Charitable Endowments Department, Sivagangai.

3. The Executive Officer,
Arulmigu Nadcahdai Thavirtharuzhiya Swamy
Temple, Devadhanam Post,
Seithur Via., Rajapalayam Taluk, Virudhunagar District.

+1cc to M/s.S.MANOHAR, Advocate Sr.No.53830

+1cc to the Spl.Government Pleader Sr.No.53189

Order made in
W.P.[MD].No.3501 of 2013
16.09.2016