

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2017

CORAM

THE HON'BLE Mr.JUSTICE M.DURAI SWAMY

W.P.No.7910 of 2017
and
W.M.P.Nos.8655 & 8656 of 2017

Sri Porur Panguni Uthira Palkavadi
Vel Pooja Sabha
Porur, Chennai - 116
represented by its President
S.Damodaran Petitioner

Vs.

1. The Joint Commissioner,
Hindu Religious & Charitable
Endowments Department,
Nungambakkam, Chennai -34.
2. The Assistant Commissioner,
Hindu Religious & Charitable
Endowments Department,
Nungambakkam, Chennai -34.
3. The Fit Person,
Arulmighu Balamurugan Temple,
Easwaran Koil Street,
Porur, Chennai - 116. ... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the 1st respondent - the Joint Commissioner, HR & CE Department dated 23.03.2017 in R.P.No.1 of 2012 confirming the order of the 2nd respondent dated 04.06.2009 appointing the 3rd respondent as Fit Person to Sri Balamurugan Temple, Porur, Chennai - 116 and to quash the same and direct the respondents not to interfere with the peaceful possession and administration of the petitioner temple.

For Petitioner : Mr.S.Giridharan

For Respondents : Mr.Maharaja,
Special Government Pleader
(R1 & R2)

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of certiorarified mandamus to call for the records of the 1st respondent dated 23.03.2017 in R.P.No.1 of 2012 confirming the order of the 2nd respondent dated 04.06.2009 appointing the 3rd respondent as Fit Person to Sri Balamurugan Temple, Porur, Chennai - 116 and to quash the same and to direct the respondents not to interfere with the peaceful possession and administration of the petitioner temple.

2.Mr.Maharaja, learned Special Government Pleader taking notice for the respondents 1 & 2 raised a preliminary objection with regard to the maintainability of the Writ Petition for the reason that the petitioner is having the remedy by way of a Revision before the Commissioner, Hindu Religious & Charitable Endowments Department as against the impugned order dated 23.03.2017.

3.Mr.S.Giridharan, learned counsel appearing for the petitioner submitted that liberty may be given to the petitioner to file a revision before the Commissioner, Hindu Religious & Charitable Endowments Department on or before 11.04.2017. Further, the learned counsel submitted that the Commissioner may be directed to consider the petitioner's stay petition and pass orders expeditiously.

4.Having regard to the submissions made by the learned counsel on either side, since the petitioner has got the remedy by way of a Revision before the Commissioner, Hindu Religious & Charitable Endowments Department as against the impugned order dated 23.03.2017 passed by the 1st respondent, I do not find any reason to entertain the present Writ Petition.

5.Accordingly, the Writ Petition is disposed of giving liberty to the petitioner to file a Revision before the Commissioner, Hindu Religious & Charitable Endowments Department on or before 11.04.2017. In the case of the petitioner filing a stay petition before the Commissioner, the Commissioner, Hindu Religious & Charitable Endowments Department is directed to decide the same as expeditiously as possible, on merits and in accordance with law. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

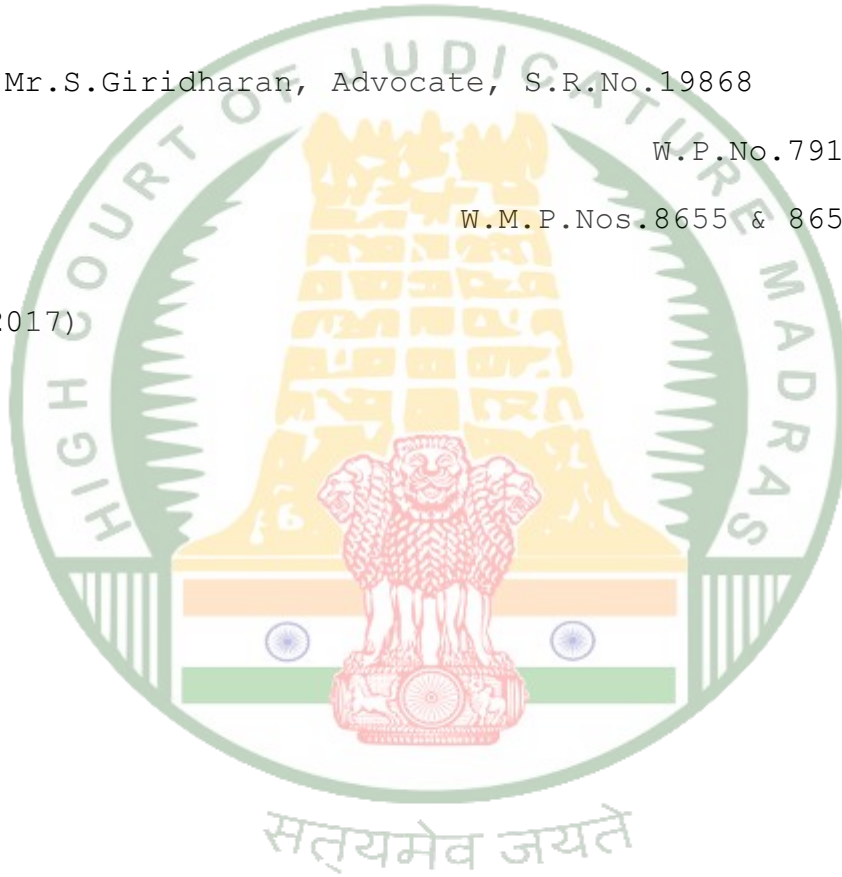
1. The Joint Commissioner,
Hindu Religious & Charitable
Endowments Department,
Nungambakkam, Chennai -34.
2. The Assistant Commissioner,
Hindu Religious & Charitable
Endowments Department,
Nungambakkam, Chennai -34.

+2cc's to Mr.S.Giridharan, Advocate, S.R.No.19868

W.P.No.7910 of 2017
and

W.M.P.Nos.8655 & 8656 of 2017

SSI (CO)
CA(04/04/2017)



WEB COPY