

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.No.672 of 2014 against WP.No.1535 of 2013

K.C.Ramachandran

.. Appellant/Petitioner

Versus

1. The Commissioner
Hindu Religious Endowment Charitable Department
Administration Department,
Chennai 34.
 2. The Joint Commissioner,
Hindu Religious Endowment
Charitable Department,
Administration Department,
Salem.
 3. The Executive Officer,
Venkatesa Perumal Temple,
Chinna Thirupathi,
Salem - 8.
- .. Respondents/Respondents

Prayer:- Writ Appeal filed under Clause 15 of the Letters Patent Act, to call for the records pertaining to the order in W.P.No.1535 of 2013 dated 04.02.2013 passed by this Court and set aside the same.

WP.No.1535/13 This writ petition is file under Article 226 of the constitution of India for issuance of a writ of certioraritier mandamus Calling for the records pertaining to the order in R.Dis.A.P.16/2010 D2 dated 12.7.2010 passed by the first respondent by confirming the order in O.A.No.20/2004 A1 dated 19.6.2007 and quash the same and consequently direct the second respondent to confer the title of Hereditary Trustee of Arulmighu Venkatesa Perumal Temple, Chinna Thirupathi, Salem-8 to the petitioner

For Petitioner : No appearance

For Respondents : No appearance

J U D G M E N T

(Judgment of the Court was made by K.K.SASIDHARAN,J)

The challenge in this Intra-Court Appeal is to the order dated 04.02.2013 in W.P.No.1535 of 2013, dismissing the writ petition on the ground of alternative remedy.

2. None appears on behalf of the appellant. There is no representation on behalf of the respondents also.

3. The appellant filed an application before the Joint Commissioner, Hindu Religious and Charitable Endowment Department under Section 63(e) of the Hindu Religious and Charitable Endowment Act, 1959, to grant him hereditary right in respect of Arulmighu Chinna Thirupathi Venkatesaperumal Temple, Chinna Tirupathi, Salem. The statutory authority rejected the request. The order was challenged before the Commissioner, Hindu Religious and Charitable Endowment Department, Chennai. The Commissioner, by order dated 12th July, 2010, dismissed the appeal. The said order was put in issue before the Writ Court in W.P.No.1535 of 2013. The learned Single Judge, dismissed the writ petition on the ground that Section 69(1) of the Tamil Nadu Hindu Religious and Charitable Endowment Act, permits the aggrieved to institute a Civil Suit and as such, the writ petition is not the remedy.

4. The appellant is entitled to institute a Civil Suit, challenging the order passed by the statutory authority and confirmed by the appellate authority. The learned Single Judge, was therefore correct in dismissing the writ petition on the ground of availability of alternative remedy. We do not find any reason to take a different view in the matter.

5. In the upshot, we dismiss the Intra-Court Appeal. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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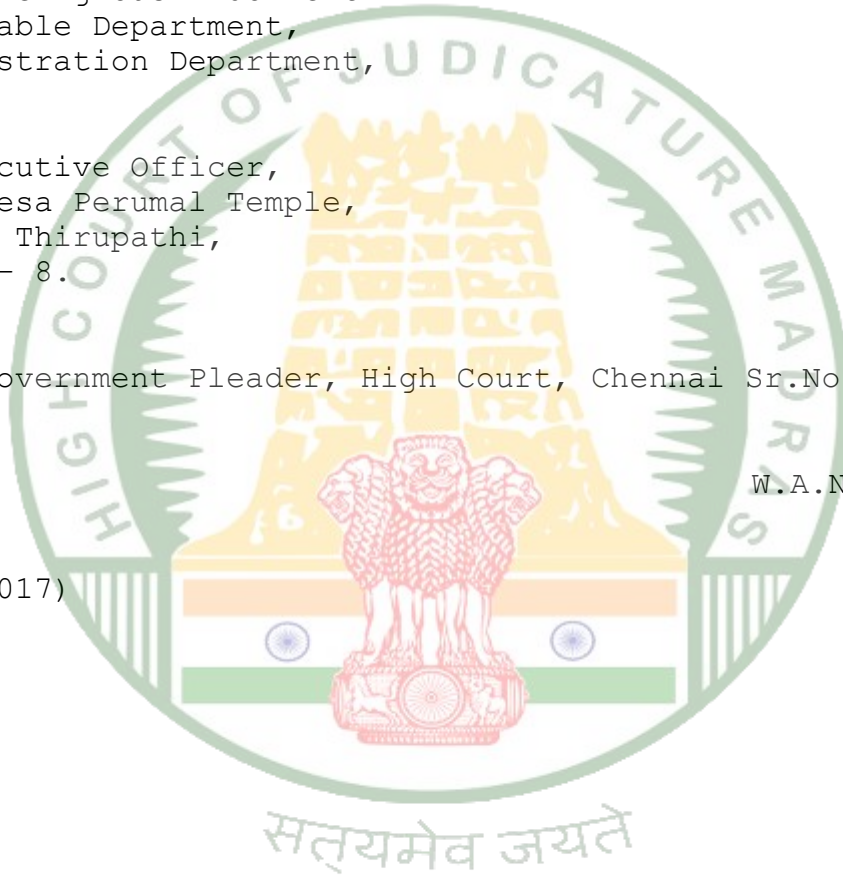
To

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+1 CC to Government Pleader, High Court, Chennai Sr.No.76584

W.A.No.672 of 2014

RJ(CO)
KP(21.11.2017)



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