

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2017

CORAM :

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.13367 of 2017
and
W.M.P.No.14394 of 2017

A.S.Chokkalingam

.. Petitioner

Vs.

1. The Commissioner,
HR & CE Department,
Nungambakkam,
Chennai.
2. The Commissioner,
Cuddalore Municipality
Cuddalore.
3. The Assistant Commissioner,
HR & CE Department,
Sub Jail Road, Cuddalore - 1.
4. The Thakkar / Executive Officer,
Arulmighu Patteswarar Tirukoil,
Cuddalore.

.. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of certiorari to call for the records of the third respondent relating to his order dated 17.03.2017 in Se.Mu. Nada. Na.Ka.No.2943/2015/A1 and quash the same.

For Petitioner : M/s.R.Meenal.

For Respondents : Mr.M.Maharaja,
Sp. Government Pleader (HR & CE)

O R D E R

Mr.M.Maharaja, learned Special Government [HR & CE] takes notice for respondents. By consent, this writ petition is taken up for final disposal.

2. The petitioner is the Managing Trustee of the temple in question. By the impugned order, a fit person has been appointed in exercise of the powers under Section 49 of Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. This order was passed to make sure that the land belonging to the temple is used to construct a over headtank by the local authority.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a Hereditary trustee.

4. This factum is disputed by the learned Special Government Pleader. However, there is no dispute about the Management, till the appointment of the fit person, being in the hands of the petitioner. Perhaps the reason why the impugned order has also been marked to the petitioner.

5. Considering the facts and circumstances of the case, this Court is of the view that the petitioner is entitled to be heard especially when the petitioner has made an averment in the affidavit that he is ready and willing to comply with the direction that the land being used for the construction of overhead tank.

6. In such view of the matter, the impugned order is set aside. Consequently, the third respondent is directed to issue a fresh notice to the petitioner within a period of two weeks from the date of receipt of copy of this order, indicating the reasons therein, and thereafter, a final decision will have to be made after filing the objection of the petitioner. The entire exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is allowed. No costs. Consequently connected Miscellaneous Petition is also closed.

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

vsi2/vsm

To

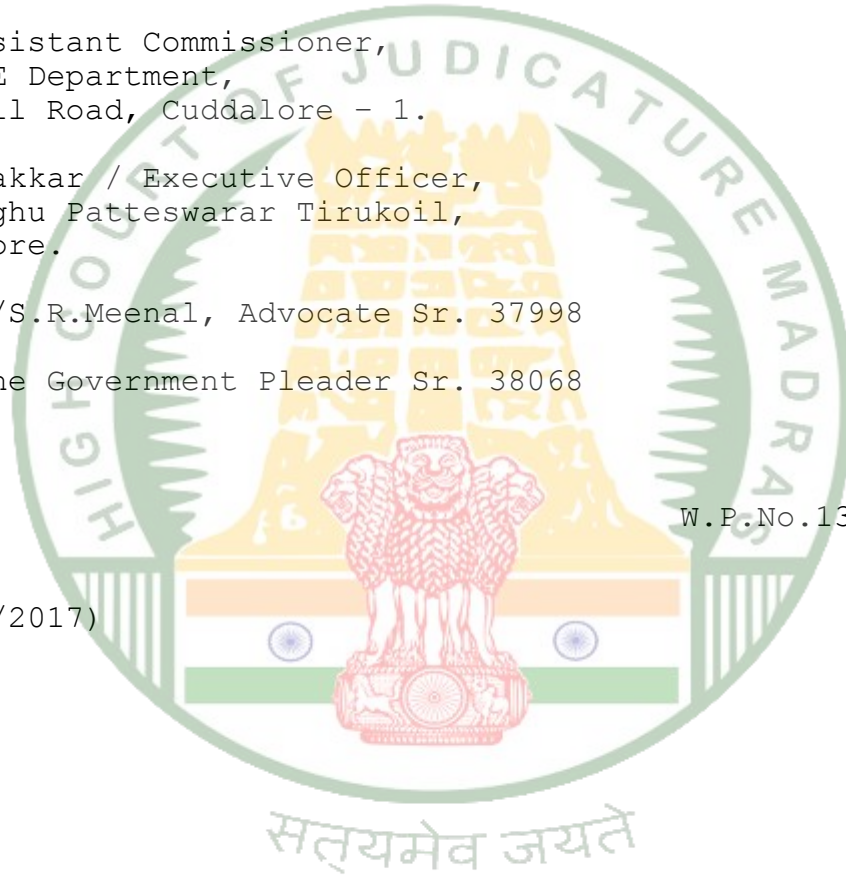
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Cuddalore.

+1cc to M/S.R.Meenal, Advocate Sr. 37998

+1cc to the Government Pleader Sr. 38068

NR(CO)
VR(05/06//2017)

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