

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2017

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THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P.No.14547 of 2017
and W.M.P.No.15769 of 2017

Senthil

[Petitioner]

Vs

Executive officer
Hindu Religious & Charitable Trust
Arumigu Thorwpathi Amman Thirukoil
Kumarasampatti
Salem 636 007

[Respondent]

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the records of the respondent dated 25.04.2017 and quash the same.

For Petitioner : Mr.J.Franklin
For Respondent : Mr.M.Maharaja, SGP

ORDER

Mr.A.N.Thambidurai, learned Special Government Pleader takes notice for the respondent.

2. The petitioner has filed the above Writ Petition to issue a writ of certiorari to call for the records of the respondent dated 25.04.2017 and to quash the same.

3. The learned counsel appearing for the petitioner submitted that the impugned notice dated 25.04.2017 has been issued by the Executive Officer, who has no authority to issue such notice and only the Joint Commissioner of the Hindu Religious and Charitable Endowments Department is empowered to issue the notice.

M.DURAISWAMY, J.

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4. Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondent submitted that the impugned notice dated 25.04.2017 may be construed only as recommendatory in nature and it is not the notice issued under the Hindu Religious and Charitable Endowments Act. Further, the learned Special Government Pleader submitted that only the Joint Commissioner is empowered to issue notice for taking action against the petitioner.

5. In view of the submissions made by the learned counsel on either side, I make it clear that the notice dated 25.04.2017 issued by the respondent may not be construed as a notice issued under the Hindu Religious and Charitable Endowments Act, since the respondent Executive Officer has no authority to issue notice to the petitioner. However, it is open to the Joint Commissioner of the Hindu Religious and Charitable Endowments Department to initiate appropriate action against the petitioner, in accordance with law.

With this observation, the Writ Petition is closed. No costs. Connected miscellaneous petition is also closed.

12.06.2017

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To
Executive officer
Hindu Religious & Charitable Trust
Arumigu Thorwpathi Amman Thirukoil
Kumarasamypatti
Salem 636 007

W.P.No.14547 of 2017