

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2017

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.27522 of 2017
and
WMP.No.29416 of 2017

G.Prabhu

... Petitioner

vs.

1. The Joint Commissioner of HR & CE
O/o. Joint Commissioner
Hindu Religious and Charitable Endowment
Department, Salem.
2. The Assistant Commissioner of HR & CE
Hindu Religious and Charitable Endowment
Department, Salem.
3. The Executive Officer
Arulmighu Prasanna Venkatagalapathi
Mariamman and Throwpathy Amman Temples
Shevapet, Salem - 636 002.

...Respondents

PRAYER:

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records of the impugned order passed by the 1st respondent in Miscellaneous Petition No.7/2007/A1/Date:31.07.2017 Dated 31.07.2017 and quash the same.

For Petitioner : Mr.K.Ramesh

For Respondents: Mr.M.Maharaja

Special Government Pleader

ORDER

Mr.M.Maharaja, learned Special Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. Heard both sides.

3. The petitioner is aggrieved against the order passed by the first respondent evicting the petitioner through the proceedings initiated under Section 78(1) of Hindu Religious and Charitable Endowment Act.

4. The learned counsel for the respondents submitted that as against the order, the petitioner can avail an alternative remedy of filing statutory appeal before the Commissioner, HR & CE.

5. When such an alternative remedy is available to the petitioner, invoking jurisdiction of this Court under Article 226 of the Constitution of India, cannot be permitted. Accordingly, this writ petition is disposed of, by granting liberty to the petitioner to approach the Appellate Authority, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such appeal, the Appellate Authority shall consider and pass orders on the same on its own merits and accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

mk

To

1. The Joint Commissioner of HR & CE
O/o. Joint Commissioner
Hindu Religious and Charitable Endowment
Department, Salem.
2. The Assistant Commissioner of HR & CE
Hindu Religious and Charitable Endowment
Department, Salem.
3. The Executive Officer
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Shevapet, Salem - 636 002.

+ 1 cc to Mr.K.Ramesh Advocate,SR.75928
+ 1 cc to The Govt.Pleader, SR.76585

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NR 16/11/2017