

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2017

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.30899 of 2012

& MP. No.2 of 2012

1 A.V.C.EDUCATIONAL COMMITTEE
REP. BY ITS SECRETARY MAYILADUTHURAI
MANNAMPANDAL-609 305.

... Petitioner

Vs

1 THE COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
BOARD NUNGAMBAKKAM CHENNAI-34.

2 THE JOINT COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
BOARD MAYILADUTHURAI.

3 DHARMAAPURAM AADHEENAM
MUTT REP. BY ITS MANAGER DHARMAPURAM
MAYILADUTHURAI-1.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in Na.Ka.No.29328/2007/R.1. dated 31.7.2012 quash the order of the 1st respondent dated 31.7.2012 and direct the 1st respondent to consider the application of the 3rd respondent dated 18.4.2001 and pass appropriate orders approving the sale of 17.40 acres situated at Achhutanaiyagapuram Village Mannampandal Division of Myladuthurai Taluk in favour of the petitioner.

For Petitioner : Mr.N.L.Rajah, SC for
Mr.S.Dhayaleeswaran
For Res.- 1 & 2 : Mr.K.Venkataramani, AAG
Asst. by Mr.N.Maharaja, Spl.G.P.
Mr.R.P.Pratap Singh (HR & CE)
For Res.-3 : Mr.S.Sounthar

O R D E R

Writ petition has been filed challenging the impugned order passed by the first respondent dated 31.07.2012 on the ground that the reasons stated in the order is totally contrary to the facts. According to the learned counsel for the petitioner, the petitioner and the third respondent entered into an agreement of sale in the year 2001 and no sale deed had been executed by the third respondent in favour of the writ petitioner till today.

2. Learned Additional Advocate General would submit that in view of the above said fact submitted by the learned counsel for the petitioner, the aforesaid matter can be remitted back and the same shall be considered in accordance with law.

3. Learned counsel for the petitioner would further contend that liberty should be granted to the petitioner to raise all the objections and the evidences before the Commissioner, H.R. & C.E., and in the light of the decision rendered by this Court in 2014 (6) CTC 47 (Sozhia Maruthuva Mandagapadi Kattalai Trust vs. The Secretary to Govt., Development Endowment and Information Department, Secretariat, Chennai and others).

4. In the light of the aforesaid submissions made by both the parties, the impugned order dated 31.07.2012 is set aside and liberty is granted to the writ petitioner to raise all the grounds before the first respondent namely, the Commissioner, Hindu Religious and Charitable Endowments Board, Chennai within one week from the date of receipt of order and thereafter the first respondent shall consider the grounds raised by the petitioner as well as third respondent on merits and in accordance with law and pass orders as expeditiously as possible preferably within a period of 12 weeks. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

smi

To

1

THE COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
BOARD NUNGAMBAKKAM CHENNAI-34.

2 THE JOINT COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
BOARD MAYILADUTHURAI.

3 DHARMAAPURAM AADHEENAM
MUTT REP. BY ITS MANAGER DHARMAPURAM
MAYILADUTHURAI-1.

+lcc to Mr.S. Sounthar, Advocate, S.R.No.6566

+lcc to Mr. S. Dayaleeswaran, Advocate Sr.No.6791 (28/02/2017)

sk(CO)

md(21/02/2017)

W.P.No.30899 of 2016



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