

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.13116 of 2013

& M.P.1 of 2013

and

MP.No.1 of 2013

S.Thangamani .. Petitioner

Versus

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowments
Administration Department, Salem
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments
Administration Department, Dharmapuri 636705.
3. The Executive Officer,
Arulmighu Sivasubramanyaswami Temple
Kumaraswamipettai, Dharmapuri 636701. .. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, calling for the records relating to the impugned notice dated 13.04.2013 of the 3rd respondent herein and quash the same as null, void, illegal and arbitrary.

For Petitioner : M/s.S.Subramanian
For RR1 & 2 : Mr.R.P.Prathap Singh (HR & CE), GA
For RR3 : Mr.V.R.Anna Gandhi

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O R D E R

The petitioner has filed this Writ Petition praying to call for the records relating to the impugned notice dated 13.04.2013 of the 3rd respondent herein and quash the same as null, void, illegal and arbitrary.

2. The learned counsel appearing for the petitioner has submitted that the third respondent has no authority to pass order for removal in terms of the Temple land. As per Sections 78 & 79 (1) of the Tamil Nadu Hindu Religious and Charitable

Endowments Act, the Joint Commissioner is the competent authority to initiate action. Therefore, the impugned order passed by the 3rd respondent is liable to be quashed.

3. The learned Government Advocate (HR & CE) has submitted that the impugned order issued by the 3rd respondent is only a notice, not under Sections 78 and 79 (1) of the said Act. It is clearly stated that in the impugned show cause notice issued by the 3rd respondent that they will initiate action under Sections 78 and 79 of the said Act. The Writ Petition is at premature stage. According to the learned counsel for the 3rd respondent that he would not proceed on the basis of the impugned notice. Thereafter, pending the Writ Petition, the first respondent has passed order under Sections 78 and 79(1) of the said Act. Therefore, the prayer in the Writ petition has now become infructuous.

4. In view of the above submissions made by the learned counsel for the parties, pursuant to the Writ Petition, the first respondent has issued Proceedings No.E.P.No.7/14 A1, dated 15.07.2016. Hence, the Writ Petition become infructuous. It is submitted by the learned Counsel for the 3rd respondent that the 3rd respondent will not proceed against the petitioner on the basis of the impugned order, but will initiate action only in accordance with law, pursuant to the above Proceedings issued by the first respondent / Joint Commissioner, Tamil Nadu Hindu Religious and Charitable Endowments Department.

5. With the above observations, the Writ Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

pvs

To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Administration
Administration Department, Salem

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2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments
Administration Department, Dharmapuri 636705.

+1cc to Mr.V.R. Annagandhi, Advocate, S.R.No.4428
+1cc to the Government Pleader, S.R.No.4890

nrjk(CO)
md(10/02/2017)

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