



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A(MD)Nos.1392 and 1393 of 2015
and
C.M.P.(MD)Nos.808 to 811 of 2016
and
M.P.(MD)Nos.1, 1, 2, 2 of 2015

W.A(MD) No.1392 of 2015:

M.Valli ... Appellant/petitioner
-vs.-

1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Chennai-600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Administration Department,
Madurai-625 001.

3.Karthick

4.P.Sivaji Poosari

...Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patents Act, to set aside the order dated 30.09.2015 passed in W.P.(MD) No.7189 of 2015 on the file of this Court and thereby allow this appeal.

Prayer in WP(MD). 7189/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court WRIT OF CERTIORARI, calling for the records pertaining to the impugned order passed by the 1st respondent in A.P.46/2014 D2, dated 04.03.2015, quash the same.



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For Appellant : Mr.J.Anandhavalli
For R-1 & R-2 : Mr.V.R.Shanmuganathan
Special Government Pleader
For R-3 : Mr.S.Meenakshi Sundaram
Senior Counsel
for Mr.N.Ganagasapapathy
For R-4 : Mr.R.R.Kannan

W.A(MD) No.1393 of 2015:

1.M.Pandiyarajan

2.M.Sumathi ... Appellants/petitioners
-Vs.-

1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Chennai-600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Administration Department,
Madurai-625 001.

3.Karthick
4.P.Sivaji Poosari ... Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patents Act, to set aside the order dated 30.09.2015 passed in W.P.(MD) No.9423 of 2015 on the file of this Court and thereby allow this appeal.

Prayer in WP(MD). 9423/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the Impugned order passed by the 1st respondent in A.P. 46/2014 D2, dated 04.03.2015, quash the same.

For Appellants : Mr.J.Anandhavalli
For R-1 & R-2 : Mr.V.R.Shanmuganathan
Special Government Pleader

For R-3 : Mr.S.Meenakshi Sundaram
Senior Counsel
for Mr.N.Ganagasapapathy

For R-4 : Mr.R.R.Kannan

COMMON JUDGMENT

[Judgment of the Court was delivered by M.M.SUNDRESH, J.]

Since the issue involved in both the writ appeals is one and the same, they are taken up together, heard and disposed of by a common order.

2. Both the Writ Appeals are filed under Clause 15 of Letters Patents Act, to set aside the order dated 30.09.2015, passed in W.P.(MD)No.7189 of 2015 and W.P.(MD)No.9423 of 2015 on the file of this Court.

3. Heard both side counsels and perused the records.

4. We do not find any error in the order of the learned single judge. The learned single judge has rightly directed the appellant to exhaust the remedy under Section 114 of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 (T.N.Act 22 of 1959), if the appellant is not satisfied with the said order.

5. However, the order of *status quo* granted by this Court shall be maintained till appropriate orders are passed by the Government. The appellant is given further period of four weeks to file appropriate petition under Section 114 of the Tamil Nadu Hindu Religious and Charitable Endowment Act. As and when the same is received, the Government shall pass appropriate orders within a period of eight weeks thereafter, after issuing notice to the parties concerned. It is further made clear that this order is subject to the pending proceedings in which the challenge has been made by the Poosari against the order of suspension.

6. Accordingly, these Writ Appeals are dismissed with the above directions and observations. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

To

1.The Commissioner, Hindu Religious and Charitable
Endowment Department, Chennai-600 034.

2.The Joint Commissioner, Hindu Religious and Charitable
Endowments Administration Department, Madurai-625 001.

+2ccs to Mr.J.Anandavalli, Advocate, SR.No.80252

+One cc to Mr.R.R.Kannan, Advocate, SR.No.80444

+One cc to the Special Government Pleader, SR.No.80941

sm/pjl

RL/7c/3p/KK/SAR1/2/11/2017