



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.06.2017
CORAM

THE HON'BLE MR.JUSTICE **K.KALYANASUNDARAM**

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W.P.(MD)No.11142 of 2017
and
WMP(MD)Nos.8549 to 8552 of 2017

Ponnusamy

: Petitioner

-vs-

1.The Joint Commissioner,
Tamil Nadu Hindu Religious Charitable
Endowment Board,
Sivagangai.

2.Aruppukottai, Puliyampatti-Thirunagaram
Saliyar Mahajana Paribalana Sabaikku
Parthiyapatta Arulmighu Maha Kaliamman
Vagaiyara Thirukovilgal,
represented through its Trustee
N.A.Subramaniam

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 1st respondent herein in his proceedings in Na.Ka.No.4913/2016-6/A3, dated 10.02.2017 and the consequential communication of the 2nd respondent herein dated 15.03.2017 and quash the same as illegal and further direct the respondents herein to re-fix the fair rent for Door No.27-2-52 of Aruppukottai Municipality, Virudhunagar District, after issuing notice to the petitioner.

For Petitioner	: Mr.V.Sasikumar
For 1 st Respondent	: Mr.D.Muruganandham
	Additional Government Pleader
For 2 nd Respondent	: Mr.P.Ganapathi Subramanian

O R D E R

The writ petition is filed to call for the records of the impugned order, dated 10.02.2017 passed by the 1st respondent and the consequential communication of the 2nd respondent, dated 15.03.2017 and quash the same as illegal and further direct the respondents to re-fix the fair rent for Door No.27-2-52 of Aruppukottai Municipality, Virudhunagar District, after issuing notice to the petitioner.



2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the 1st respondent as well as the learned counsel appearing for the 2nd respondent.

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3. It is submitted by the learned counsels appearing for the respondents 1 and 2 that against the impugned orders passed by the respondents, appeal remedy is available to the petitioner under section 34A sub clause (3) of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 and therefore, the petitioner has to prefer an appeal before the Commissioner of HR & CE.

4. Undisputably, the petitioner is having an alternative and effective remedy, however, without exhausting the same, the writ petition came to be filed. Hence, this court is of the considered opinion that the present writ petition is not maintainable.

5. In view of the same, this writ petition is dismissed giving liberty to the petitioner to file an appeal before the Commissioner, as per section 34A sub clause (3) of the Tamil Nadu Hindu Religious & Charitable Endowment Act, 1959.

6. It is represented by the learned counsel appearing for the petitioner that though the 2nd respondent has passed the impugned order, dated 15.03.2017, so far the original order was not served to the petitioner. Hence, the 2nd respondent is directed to serve the original impugned order, dated 15.03.2017 to the petitioner within a period of two weeks from the date of receipt of the order copy and on such receipt, the petitioner shall file an appeal before the appropriate forum, within a period of three weeks therefrom. Till then, the respondents are directed to maintain status quo as on today.

7. With the above observations, the writ petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Joint Commissioner,
Tamil Nadu Hindu Religious Charitable
Endowment Board, Sivagangai.



2.The Additional Government Pleader,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Special Government Pleader, SR.No. 61475

+1cc to M/S.V.Sasikumar, Advocate SR.No. 61143

W.P. (MD) No.11142 of 2017
20.06.2017

ER

JM/SV MMS/SAR 1/30.06.2017/3P/5C