



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.(MD)Nos.11388 & 11389 of 2017

and

W.M.P.(MD)Nos.8769, 8770, 8771 and 8772 of 2017

Malliga ...Petitioner in WP(MD)No.11388/2017.
Sakthi Vinayaga Moorthy ...Petitioner in WP(MD)No.11389/2017.

-Vs-

1.The Government of Tamil Nadu,
Rep. by its District Collector,
Madurai District, Madurai-20.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Madurai Region, Madurai.

3.The Executive Officer/Deputy Commissioner,
Arulmughu Subramaniya Swamy Temple,
Thirupparankundram,
Madurai-5.

...Respondents in Both Cases

Common PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 3rd Respondent in Na.Ka.No.2137/2016/E5 dated 20.03.2017 and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and without jurisdiction and consequently directing the Respondents No.2 and 3 to drop all further proceedings till the title of the 3rd Respondent over the property in dispute is finally decided by the competent Civil Court.

For Petitioner : Mr.R.Aravindan
For R1 & R2 : Mr.A.Muthu Karuppan,
Additional Government Pleader
For R3 : Mr.S.Manohar

ORDER

The petitioner has come up with the Writ Petition for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 3rd Respondent in Na.Ka.No.2137/2016/E5 dated 20.03.2017 and quash the same on the ground that the same is arbitrary, illegal and without

any legal basis and without jurisdiction and consequently directing the Respondents No.2 and 3 to drop all further proceedings till the title of the 3rd Respondent over the property in dispute is finally decided by the competent Civil Court.

2.Mr.S.Manohar the learned counsel takes notice for R3 and Mr.Mr.A.Muthu Karuppan, Additional Government Pleader takes notice for R1 and R2.

3.Heard both sides and perused the materials available on record.

4.It is seen that against the impugned order of the Second respondent, an appeal remedy is provided under Section 34(A) Sub Section (3) of Hindu Religious and Charitable Endowment Act, before the Commissioner of Hindu Religious and Charitable Endowment Board and under Section 30(A) Sub Clause 5, it can be further challenged before this Court by filing Revision Petition. Since the petitioner is having an alternative and effective remedy, these Writ Petitions cannot be entertained.

5.In such view of the matter, these Writ Petitions are dismissed, giving liberty to the petitioner to file an appeal before the appropriate authority within a period of two weeks from the date of receipt of a copy of this order.

6.With the above directions, these Writ Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar.

To

1.The District Collector, The Government of Tamil Nadu,
Madurai District, Madurai-20.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Madurai Region, Madurai.

3.The Executive Officer/Deputy Commissioner,
Arulmughu Subramaniya Swamy Temple, Thirupparankundram,
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