



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 13.04.2017

CORAM

THE HONOURABLE MR. JUSTICE **V. PARTHIBAN**

W.P(MD)No.6737 of 2017

and

W.M.P(MD)Nos.5288 and 5289 of 2017

A.Susindran

..Petitioner

Vs

The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Madurai - 600 001.

..Respondent.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records of the respondent in Na.Ka.No.456/2016/Aa1, dated 6.3.2017 and to quash the same as illegal, arbitrary and unenforceable.

For Petitioner :M/s.M.R.S.Prabhu

For Respondent :Mr.M.Alaguthevan

Special Govt. Pleader

ORDER

The Petitioner has approached this Court seeking issuance of a Writ of Certiorari calling for the records of the respondent in Na.Ka.No.456/2016/Aa1, dated 6.3.2017 and to quash the same as illegal, arbitrary and unenforceable.

2.Mr.M.Alaguthevan, learned Special Government Pleader takes notice for the respondent.

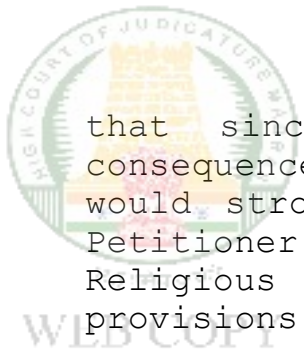
3.By consent of both parties, the main Writ Petition is taken up for disposal, at the admission stage itself.

4.According to the Petitioner, the impugned order passed by the respondent is without jurisdiction and therefore, the Petitioner is before this Court, assailing the said order.

5.The learned Special Government Pleader appearing for the respondent would submit that there is a provision under Section 21-A of the Hindu Religious and Charitable Endowments Act, in which, the Petitioner can assail the order passed by the Joint Commissioner before the Commissioner of Hindu Religious and Charitable Endowment Department.

<https://hcservices.ecourts.gov.in/hcservices/>

6.However, the learned counsel for the Petitioner would submit



that since the order passed by the respondent has other consequences, which may prejudice the rights of the Petitioner, he would strongly urge this Court to protect the interest of the Petitioner till a decision is taken by the Commissioner of Hindu Religious and Charitable Endowment Department, under the relevant provisions of the Hindu Religious and Charitable Endowments Act.

7.Considering the submissions made by the learned counsel for the Petitioner, the Writ Petition is disposed of, with a direction to the Petitioner to approach the Commissioner, Hindu Religious and Charitable Endowments Department under the relevant provisions of the HR & CE Act, assailing the impugned order passed by the respondent. The Commissioner, Hindu Religious and Charitable Endowment Department is also directed to dispose of such appeal or revision filed by the Petitioner within a period of twelve weeks from the date of receipt of such appeal/revision. In the meanwhile, till final orders is passed by the respondent, status-quo as on today to be maintained till passing of final orders by the Commissioner of HR & CE Department. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

- 1 The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Madurai - 600 001.
- 2 The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai.

+1cc to M/S.M.R.S.PRABHU, Advocate SR.No.51879
+1cc to Special Government Pleader, SR.No.52519

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JM/SKN RSK/SAR 3/21.04.2017/2P/5C