

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.5764 of 2018

and

WMP.No.7110 of 2018

Maharajan
S/o.Vellaichamy

.. Petitioner

Vs.

1. The State of Tamil Nadu
Represented by
Secretary to Government
Hindu Religious and Charitable Endowment
For St.George,
Chennai-600 009.
2. The Commissioner
Hindu Religious and Charitable Endowment
Endowment Board
Nungambakkam
Chennai-600 034.
3. The Joint Commissioner
Hindu Religious and Charitable Endowment
Endowment Board, Madurai.
4. The Assistant Commissioner
Hindu Religious and Charitable Endowment
Endowment Board, Madurai.
5. Thakkar / Executive Officer
Arulmigu Baladandayudapani Temple
Madurai.
6. The Fit Person
A/m. Malaiyandikaruppasamy
Thirukovil, Valayankulam
C/o. A/m.Dhandayutapani Thirukovil
Netaji Road, Madurai.

7. Mr. Illayaraja
in his personnel capacity
Hindu Religious & Charitable
Endowment Board, Madurai.
8. Mrs. Sakkarai Ammal (Thakkar)
(In her Personnel Capacity)
Arulmigu Baladandayudapani Temple
Madurai.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the suo moto order dated 20.12.2017 passed by the 3rd respondent in the proceedings in Miscellaneous Petition No.63 of 2017, quash the same as null and void consequential forbear the respondents 2 to 6 from act as de-jury officials till decided by the 1st respondent in revision.

For Petitioner : Mr. R. Udayakumar

For Respondents : Mr. M. Maharaja
1 to 6 Special Government Pleader

ORDER

This writ petition is filed against the order passed by the third respondent dated 20.12.2017 under Sections 78 & 79 of the Hindu Religious and Charitable Endowment Act, evicting the petitioner from the subject matter property, by treating the petitioner as an encroacher.

2. Perusal of the impugned order would show that the same was passed, after issuing notice to the petitioner dated 29.08.2016 and finding that the petitioner has not filed any objections.

3. The learned counsel for the petitioner, however, submitted that the petitioner has filed the objections and the same has not been considered.

4. This Court, is not inclined to entertain all these disputed questions of fact in this writ petition, more particularly, when the petitioner is having an effective remedy, by filing an appeal before the Commissioner, Hindu Religious and Charitable Endowment Department and further appeal before the Government, if, he is aggrieved against the order passed by the Commissioner as well. Without exhausting such remedy, the petitioner has straight away filed the present writ petition, which, in my considered view, is not maintainable. Accordingly,

without expressing any view on the merits of the claim made by the petitioner, this writ petition is dismissed as not maintainable, however, by granting liberty to the petitioner to work out his remedy before appropriate Appellate Authority. No costs. Consequently, connected miscellaneous petition is closed.

mk

Sd/-

Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

To

1. The Secretary to Government
The State of Tamil Nadu
Hindu Religious and Charitable Endowment
For St.George,
Chennai-600 009.
2. The Commissioner
Hindu Religious and Charitable Endowment
Endowment Board
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Thirukovil, Valayankulam
C/o. A/m.Dhandayutapani Thirukovil
Netaji Road, Madurai.

+1CC to Mr.R.Udayakumar Advocate SR.NO.19007
+1CC to Govt Pleader CGS SR.NO.19360

W.P.No.5764 of 2018

SAI[CO]
MK:28/03/2018



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