

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.37964 of 2015 and
M.P.Nos.1 & 2 of 2015

P.Raji

... Petitioner

Vs

- 1.The Commissioner,
Hindu Religious & Charitable
Endowments (Admn.) Department,
Villupuram.
- 2.The Joint Commissioner,
Hindu Religious & Charitable
Endowments (Admn.) Department,
Villupuram.
- 3.The Asst. Commissioner,
Hindu Religious & Charitable
Endowments (Admn.) Department,
Tiruvannamalai.
- 4.The Inspector (Fit Person),
HR & CE, Vandavasi,
Tiruvannamalai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned proceedings of the 1st respondent under appeal No.32 of 2013 passed on 11th April 2014 and quash the same as null and void and against the basic principles of natural justice and consequently, allow the petitioner to continue as a Hereditary trustee of the "Arulmigu Mannarswami Pachiyamman Temple" at Mummudi Village, Vandavasi Taluk, Tiruvannamalai District.

For Petitioner : Mr.G.Thangavel

For Respondents : Mr.M.Maharaja,
Special Government Pleader

O R D E R

The petitioner has come up with this writ petition challenging the proceedings of the 1st respondent in Appeal No.32 of 2013 passed on 11th April 2014 and quash the same and consequently, allow the petitioner to continue as a Hereditary trustee of the "Arulmigu Mannarswami Pachiyamman Temple" at Mummudi Village, Vandavasi Taluk, Tiruvannamalai District.

2. When the matter is taken up for consideration, learned counsel for the petitioner submitted that the order in dispute in O.A.No.1 of 2008 dated 12.02.2013, came to be challenged before the Commissioner of HR & CE Department by way of appeal, which ended in dismissal. Challenging the same, the present writ petition is filed.

3. On the other hand, the learned Special Government Pleader appearing for the respondents invited the attention of this Court to Section 70 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, which provides as follows:-

"70. Suits and appeals

(1) Any party aggrieved by an order passed by the Commissioner:-

(i) under sub-section (1) or sub-section (2) of Section 69 and relating to any of the matters specified in Section 63, Section 64 or Section 67; or

(ii) under Section 63, Section 64 or Section 67 read with sub-section (1)(a), 2 or (4)(a) of Section 22 or under Section 65 may, within ninety days from the date of the receipt of such order by him, institute a suit in the Court against such order, and the Court may modify or cancel such order, but it shall have no power to stay the order of the Commissioner pending the disposal of the suit.

(2) Any party aggrieved by a decree of the Court under sub-section (1), may, within ninety days from the date of the decree, appeal to the High Court."

4. In view of the above, the writ petition stands disposed of by granting liberty to the petitioner to challenge the order as referred to above, before the competent Civil Court for appropriate remedy, within a period of 30 days from the date of receipt of a copy of this order. On such filing, the

jurisdictional Court shall entertain the same without raising any objection with regard to the limitation and decide the same on merits after affording an opportunity of hearing to all the parties concerned. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

gsk

To

- 1.The Commissioner,
Hindu Religious & Charitable
Endowments (Admn.) Department,
Villupuram.
- 2.The Joint Commissioner,
Hindu Religious & Charitable
Endowments (Admn.) Department,
Villupuram.
- 3.The Asst. Commissioner,
W.P.No.37964 of 2015
Hindu Religious & Charitable
Endowments (Admn.) Department,
Tiruvannamalai.
- 4.The Inspector (Fit Person),
HR & CE, Vandavasi,
Thiruvannamalai District.

+1cc to M/s.G.Thangavel, Advocate SR.NO.72084
+1cc to Government Pleader SR.NO.72621

VSNI (CO)
sm:13.11.2018

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