

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.02.2018

CORAM

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CIVIL REVISION PETITION No.624 of 2018

and

C.M.P.No.3273 of 2018

P.C.Bhaskar

.. Petitioner

vs

The Executive Officer,
Varadarajapuram Siddhi
Buddhi Vinayagar Temple,
Poonamallee.

.. Respondent

The Civil Revision Petition filed under Article 227 of the Constitution of India to direct the Joint Commissioner, Hindu Religious and Charitable Endowment Board, Vellore to dispose of the unnumbered application filed by the petitioner to decide the jurisdiction issue as a preliminary issue, before passing any orders in Rc.No.7060 of 2016, pending before the Joint Commissioner, Religious and Charitable Endowment Board, Vellore and to allow this petition.

For Petitioner ... Mr.T.R.Raja Gopalan S.C.

For M/s.G.Veerapathiran

सत्यमेव जयते
O R D E R

The Civil Revision Petition has been filed to direct the Joint Commissioner, Hindu Religious and Charitable Endowment Board, Vellore to dispose of the unnumbered application filed by the petitioner to decide the jurisdiction issue as a preliminary issue, before passing any orders in Rc.No.7060 of 2016 pending before the Joint Commissioner, Religious and Charitable Endowment Board, Vellore.

2.The learned Senior Counsel for the petitioner submitted that pursuant to the order passed by the Division Bench of this Court in W.P.No.761 of 2016 dated 08.01.2016, the Joint Commissioner, Religious and Charitable Endowment Board,

Vellore has issued notice dated 12.09.20107 for the proceedings in Na.Ka.No.7060/2016/E1, dated 02.05.2017 calling upon the petitioner to appear before him for enquiry on 19.09.2017 at 11.00 a.m. and the said proceedings has posted on 20.02.2018 for enquiry.

3.The learned Senior Counsel for the petitioner further submitted that the petitioner herein has already filed a detailed counter statement in the aforesaid proceedings stating that pursuant to the earlier order passed by the Division Bench of this Court in W.P.No.25275 of 2009 dated 01.06.2015, the District Collector issued a proceedings in Na.Ka.No.19630/2015/No.1, dated 04.09.2015 recognizing that the subject matter of Survey No.390/1B to an extent of 0.65.0 ares is a private patta land. Therefore, the petitioner filed the present Civil Revision Petition before this Court to decide the preliminary issued raised by the petitioner before the Joint Commissioner, H.R.& C.E. Department.

4.Heard the learned Senior Counsel for the petitioner and perused the materials available on record.

5.According to the learned Senior counsel for the petitioner, the revision petitioner has filed the detailed counter statement in the aforesaid proceedings by raising preliminary objections and submitted that the notice issued under Section 78 of the H.R.& C.E. Act, 1959, is not maintainable, since the District Collector has issued the proceedings stating that the subject matter of the property is a private land of the petitioner. Therefore, the petitioner shall put forth his aforesaid contentions and documents before the Joint Commissioner, H.R.& C.E. Department, Vellore. Hence, the preliminary issue sought for by the petitioner cannot be decided at this stage. Hence, the Joint Commissioner, H.R.& C.E, Vellore is directed to take note of the aforesaid objections of the petitioner at the time of enquiry and pass orders on merits and in accordance with law.

The Civil Revision Petition is disposed of with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

cla

To

1.The Executive Officer,
Varadarajapuram Siddhi
Buddhi Vinayagar Temple,
Poonamallee.

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

3.The Record Keeper, V.R.Section High Court Madras.

+lcc to Mr.G.Veerapathiran, Advocate, S.R.No.2006

C.R.P.No.624 of 2018

RRK(19/02/2018)



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