

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.A.No.636 of 2018
and C.M.P.No.7026 of 2018

Sri Adhiparasakthi Amman Baktha Sabha
(Regd.No.117/2004)
rep.by its Secretary, T.Prasad
Jai Nagar First Main Road,
Arumbakkam,
Chennai-600 106.

... Appellant

-vs-

- 1.The Assistant Commissioner,
The Hindu Religious and Charitable Endowments Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.
- 2.The Commissioner,
The Hindu Religious and Charitable Endowments Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.
- 3.The Executive Officer,
Arulmighu Ekambareshwarar Thirukkoil
Aminjikarai, Chennai-600 029.

4.L.Lakshminarayanan ... Respondents

Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.35295 of 2013 dated 19.02.2018.

WP.NO.35295/2013:

Petition filed Under Article 226 of the Constitution of India, praying to issue a Writ of certiorairi Calling for the records in proceedings No. Che. Mu.Na.Ka.No. 2961/ 2013 / A1 dt.18.12.2013 on the file of the 1st Respondent and quash the same.

For Appellant :: Mr.S.Sadasaharam

For Respondents:: Mr.M.Maharajan,
Spl.GP, HR & CE Department
for R1 to R3

JUDGMENT

(Delivered by M.DHANDAPANI, J.)

The appellant herein filed a writ petition before this Court in W.P.No.35295 of 2013 challenging the order dated 18.12.2013 passed by the Assistant Commissioner, Hindu Religious and Charitable Endowments Department, Chennai, appointing the third respondent herein, viz., Executive Officer of Arulmighu Ekambareswarar Temple, Aminjikai, Chennai as Thakkar of Sri Arulmighu Adhi Parasakthi Amman Temple, and this Court dismissed the writ petition by order dated 19.02.2018. Challenging the said order, the present appeal has been filed.

2.The main grounds raised in the appeal are that the order of the first respondent dated 18.12.2013 has been passed in violation of the principles of natural justice, since no opportunity of hearing was granted to the appellant Sabha; that the stipulations contained in Sections 47 and 49 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, have not been complied with and hence the order passed by the first respondent which has been impugned in the writ petition, cannot be sustained. In such circumstances, the learned single Judge has erred in allowing the claim made by the Hindu Religious and Charitable Endowments Department.

3.The learned Special Government Pleader appearing for the respondents 1 to 3 has submitted that the allegations made by the appellant-Sabha against the officials of the Hindu Religious and Charitable Endowments Department are false and baseless, and hence the same have to be treated as non-est in the eye of law.

4.After some arguments, the learned counsel for the appellant has submitted that the appellant may be permitted to approach the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Chennai, by filing appropriate application under Section 63 of Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

5.In view of the above submission made by the learned counsel for the appellant confining the prayer to the limited extent of approaching the Joint Commissioner, the writ appeal is disposed of granting permission to the appellant to approach the

Joint Commissioner, Hindu Religious and Charitable Endowments Department, Chennai, by filing appropriate application under Section 63 of Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. No costs. Consequently the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

- 1.The Assistant Commissioner,
The Hindu Religious and Charitable Endowments Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.
- 2.The Commissioner,
The Hindu Religious and Charitable Endowments Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.
- 3.The Executive Officer,
Arulmighu Ekambareshwarar Thirukkoil
Aminjikarai, Chennai-600 029.

+1cc to Mr.S.D.Ramalingam, Advocate sr.no.35188
+1cc to Mr.S.Sadasaharam, Advocate sr.no.34972
+1cc to Government Pleader in sr.no.35125

सत्यमेव जयते

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