

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2018

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.Nos.11723 and 11724 of 2018  
and  
W.M.P.Nos.13693 and 13694 of 2018

J.Pappa ... Petitioner in both W.Ps.

Vs

- 1.The Joint Commissioner,  
Hindu Religious and Charitable Endowments,  
Nungambakkam, Chennai-600 034.
- 2.The Assistant Commissioner,  
Hindu Religious and Charitable Endowments,  
Nungambakkam, Chennai-600 034.
- 3.The Executive Officer,  
Arulmigu Soundareswarar Thirukoil,  
Saidapet, Chennai-600 015. ... Respondents in both W.Ps.

Petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records of the first respondent in M.P.Nos.107/2017/A3 and 117/2017/A3 respectively, dated 28.03.2018 on the file of the first respondent and quash the same.

For Petitioner : Mr.R.Balachanderan  
For Respondents : Mr.M.Maharaja,  
Special Government Pleader

O R D E R

Heard the learned counsel for the petitioner and the learned counsel for the Hindu Religious and Charitable Endowments Department.

2.It is contended by the learned counsel for the petitioner that there is a mis-description in the survey number relating to the property which is sought to be evicted by the Hindu Religious and Charitable Endowments Department and therefore the orders passed by the first respondent dated 28.03.2018 have to be quashed.

3.However, from a perusal of the orders impugned before this Court, this Court finds that the orders of the Joint Commissioner, Hindu Religious and Charitable Endowments Department in M.P.Nos. 107/2017/A3 and 117/2017/A3 dated 28.03.2018 were passed after affording an opportunity to the petitioner to canvass his case. Further, the petitioner had not participated in the proceedings and had suffered an ex-parte order and after suffering an ex-parte order, now the petitioner wants to canvass before this Court certain facts which are disputed.

4.This Court cannot under Article 226 of the Constitution of India, in a writ petition, go into the disputed facts and record evidence. It is needless to do so when there is an appropriate forum prescribed under law. Further, when an opportunity was afforded to the petitioner herein, she failed to avail such opportunity. This Court cannot act as a substitute to the Tribunal constituted under Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. Therefore, the writ petition is dismissed. No costs. Consequently the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar/Vacation Officer

//True Copy//

Sub Assistant Registrar

KM

To

1.The Joint Commissioner,  
Hindu Religious and Charitable Endowments,  
Nungambakkam, Chennai-600 034.

2.The Assistant Commissioner,  
Hindu Religious and Charitable Endowments,  
Nungambakkam, Chennai-600 034.

3.The Executive Officer,  
Arulmigu Soundareswarar Thirukoil,  
Saidapet, Chennai-600 015.

+1cc to Government Pleader in sr.no.33148

W.P.Nos.11723 and 11724 of 2018 and  
W.M.P.Nos.13693 and 13694  
of 2018

nr 16/05/2018