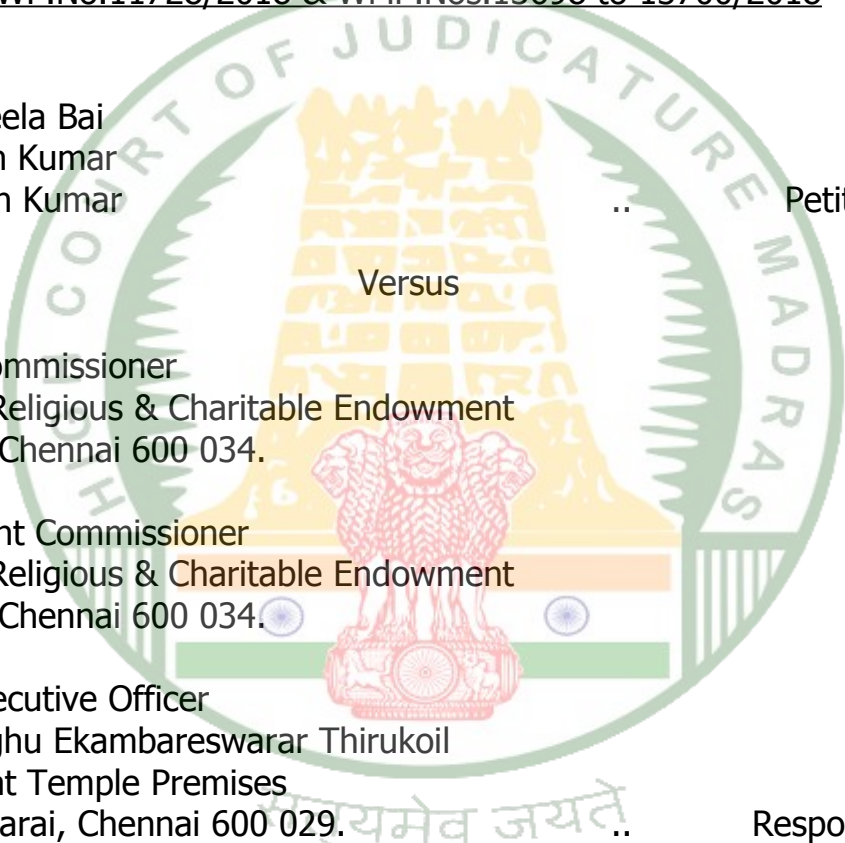


## IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.05.2018

CORAM

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

WP.No.11728/2018 & WMP.Nos.13698 to 13700/2018


1.Tej Raj  
2.Tmt. Leela Bai  
3.Praveen Kumar  
4.T.Vinoth Kumar .. Petitioners

Versus

1.The Commissioner  
Hindu Religious & Charitable Endowment  
Board, Chennai 600 034.  
2.The Joint Commissioner  
Hindu Religious & Charitable Endowment  
Board, Chennai 600 034.  
3.The Executive Officer  
Arulmighu Ekambareswarar Thirukoil  
Office at Temple Premises  
Aminjikkarai, Chennai 600 029. Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for a writ of certiorarified mandamus calling for the records relating to the show cause notice issued u/s.78[2] of the Tamil Nadu Hindu Religious and Charitable Endowment Act, in MP.No.8/2018/A3 dated 27.02.2018 by the 2<sup>nd</sup> respondent and quash the same as illegal, improper, unreasonable, arbitrary and against the principles of natural justice and consequently forbearing the respondents from interfering with the peaceful possession and enjoyment of the petitioner property situated at No.11, North Kasar Thottam Road, Aminjikkarai, Chennai-29.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents : Mr.M.Maharaja, Spl.GP [HR&CE]

ORDER

This Writ Petition is filed seeking a certiorarified mandamus, calling for the records which is the subject matter of the show cause notice issued u/s.78[2] of the Tamil Nadu Hindu Religious and Charitable Endowment Act, [in short "the Act"] in MP.NO.8/2018/A3 dated 27.02.2018, and to quash the same since it has not been issued by following the principles of natural justice.

**2** Heard the submissions of the learned counsel for the petitioner and Mr.M.Maharaja, learned Special Government Pleader [HR&CE] who accepts notice on behalf of the respondents.

**3** A perusal of the affidavit and the typed set of documents indicates that the impugned order was issued by the Joint Commissioner of HR&CE u/s.78[2] of the Act, calling upon the petitioners and others to show cause as to why they should not be evicted from the temple premises which they are occupying unauthorisedly. The impugned order also indicates them to submit their explanation within thirty days from the date of receipt of the show

cause notice.

**4** It is admitted by the petitioners that pursuant to the show cause notice, they have given their explanation / representation along with the documents vide their letter dated 12.04.2018 and the said explanation / representation is under consideration.

**5** When the respondents had gone through the procedure contemplated under the Statute and given the petitioners opportunity to show cause as to why they should not be evicted and the petitioners herein have also availed that opportunity by submitting their explanation / representation, pending disposal of the said representation / explanation, invoking the writ jurisdiction under Article 226 of the Constitution of India, will only torpedo the normal legal process of considering the explanation.

**6** Therefore, I find no merit in this writ petition. Hence, the writ petition stands dismissed. It is needless to state that the respondents herein, which has received the said explanation / representation, will appreciate the explanation of the petitioners in

DR.G. JAYACHANDRAN, J.,

AP

accordance with law and pass appropriate orders. No costs.  
Consequently, connected miscellaneous petitions are also dismissed.

03.05.2018

Internet : Yes

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To

1.The Commissioner  
Hindu Religious & Charitable Endowment  
Board, Chennai 600 034.

2.The Joint Commissioner  
Hindu Religious & Charitable Endowment  
Board, Chennai 600 034.

3.The Executive Officer  
Arulmighu Ekambareswarar Thirukoil  
Office at Temple Premises  
Aminjikarai, Chennai 600 029.

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