

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.13742 of 2018

&

W.M.P.Nos.16214 and 16215 of 2018

P.Adhimoolam

.. Petitioner

-vs-

1.The Commissioner

Tamil Nadu Hindu Religious and  
Charitable Endowment Department  
Nungambakkam High Road  
Chennai - 600 034

2.The Joint Commissioner

Tamil Nadu Hindu Religious and  
Charitable Endowment Department  
Tiruchi-6

3.The Assistant Commissioner

Tamil Nadu Hindu Religious and  
Charitable Endowment Department  
Ariyalur

4.C.Kannusamy

.. Respondents

Petition under Article 226 of the Constitution of India,  
praying for the issue of a Writ of Certiorari to call for the  
records relating to the impugned order dated 28.09.2017 passed  
by the 2<sup>nd</sup> respondent made in Na.Ka.12699/2017/A4 and quash the  
same.

For Petitioners:: Mr.Thiagarajan

For Respondents:: Mr.M.Maharaja

Spl. Govt. Pleader for R1 and R3

## ORDER

This writ petition is directed against the impugned order dated 28.09.2017 passed by the Joint Commissioner of Hindu Religious and Charitable Endowment Department, Tiruchi, the second respondent herein.

2. Learned counsel appearing for the petitioner would submit that one Kannusamy, has filed a writ petition in W.P.No.24064 of 2017 seeking disposal of his representation dated 28.07.2017 wherein a prayer was made for appointment of a fit person for the administration of Arulmighu Ayyanar @ Sri Vaiykari Andavar Temple and its land situated at Vaiylappadi Village, Kunnam Taluk, Perambalur District and this Court appreciating the limited prayer made by the petitioner, while disposing of the writ petition directed the Joint Commissioner, Hindu Religious and Charitable Endowment Department, the second respondent therein to consider the representation of Mr.C.Kannusamy, the writ petitioner therein and pass appropriate order after giving the opportunity of personal hearing to all the interested persons. While so, without complying with the direction given by this Court, the impugned order has been passed. It is the further submission of the learned counsel for the petitioner that the Trustees were not even heard.

3. On perusal of the impugned order, it is clear that the petitioner and other rival parties were not given personal hearing before passing the impugned order. Therefore, the impugned order has been passed by the second respondent without even affording an opportunity of personal hearing to the petitioner and the other rival parties and hence, the same is liable to be set aside.

4. Mr.Maharaja, learned Special Government Pleader appearing for the respondents submitted that since the issue involved in this writ petition relates to 12 acres of land belonging to the Temple and 300 sovereigns of Jewels and other valuable articles, the second respondent may be directed to reconsider the issue after giving personal hearing to the petitioner and other rival parties, as ordered by this Court in its order dated 28.07.2017 in W.P.No.24064 of 2007.

5. Considering the submission of the learned Special Government Pleader, this Court is inclined to set aside the impugned order.

Accordingly, the writ petition is allowed and the impugned order dated 28.09.2017 is set aside. The second respondent is directed to afford an opportunity of personal hearing to the petitioner and other Trustees by sending individual notice

fixing the date, time and venue of the hearing and then dispose of the matter as early as possible. Although this Court is inclined to impose a cost of Rs.50,000/- on the respondents, learned Special Government Pleader requested this Court not to slap any cost and proper instruction will be given to the second respondent not to repeat the said mistake and hence, this Court refrain from imposing cost. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner  
Tamil Nadu Hindu Religious and  
Charitable Endowment Department  
Nungambakkam High Road  
Chennai - 600 034

2.The Joint Commissioner  
Tamil Nadu Hindu Religious and  
Charitable Endowment Department  
Tiruchi-6

3.The Assistant Commissioner  
Tamil Nadu Hindu Religious and  
Charitable Endowment Department  
Ariyalur

+1cc to Mr.R.THAGARAJAN, Advocate, S.R.No. 36238

+1cc to the Government Pleader, S.R.No. 35989

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KGK (CO)  
TR(20/06/2018)

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