

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.18938 to 18941 of 2018

Mohammed Moosa .. Petitioner in W.P.No.18938 of 2018
S.Rajendran .. Petitioner in W.P.No.18939 of 2018
K.Raju .. Petitioner in W.P.No.18940 of 2018
Nazir Basha .. Petitioner in W.P.No.18941 of 2018

-vs-

1. The Commissioner
HR & CE Board
Chennai
2. The Joint Commissioner
HR & CE Board
Chennai
3. The Deputy Commissioner /
Executive Officer
Arulmighu Kapaleeswarar Temple
Mylapore
Chennai 600 004 ..Respondents in all the writ petitions

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in Na.Ka.Nos.4428/2015/A2, 4430/2015/A2, 4429/2015/A2, 4435/2015/A2 respectively, dated 02.11.2016 claiming huge arrears of rent and quash the same and further direct the respondents not to evict the petitioners from the disputed premises.

For Petitioners :: Mr.M.Balachandar
For Respondents :: Mr.M.Maharaja
Special Government Pleader

ORDER

These writ petitions are directed against the orders passed by the Joint Commissioner of Hindu Religious and Charitable Endowments Board, which are appealable before the Commissioner of Hindu Religious and Charitable Endowments Department, Chennai under Section 21 of the Tamil Nadu Hindu Religious and Charitable Endowments Act.

2. The learned Special Government Pleader for the respondents, raising a preliminary objection with regard to the maintainability of the writ petitions, urged this Court to dismiss the writ petitions, as the petitioners have got an effective, alternative statutory appeal remedy under Section 21 of the Tamil Nadu Hindu Religious and Charitable Endowments Act. He has further submitted that when there was a specific direction issued by this Court in the Civil Revision Petition (NPD) Nos.4484 to 4490 filed by the petitioners in order dated 2.12.2011, the petitioners cannot come to this Court, as the matter has to be considered by the Commissioner of Hindu Religious and Charitable Endowments Department.

3. It is at this stage, the learned counsel for the petitioners sought two weeks time to file appeals against the impugned orders before the Commissioner under Section 21 of the Tamil Nadu Hindu Religious and Charitable Endowments Act.

4. In view thereof, granting two weeks time to the petitioners to file appeals before the Commissioner under Section 21 of the Act, these writ petitions are dismissed. Consequently, W.M.P.Nos.22325 to 22328 of 2018 are also dismissed. No costs.

Sd/-

Assistant Registrar (CS V)

//True copy//

Sub Assistant Registrar

ss

To

1. The Commissioner
HR & CE Board
Chennai

2. The Joint Commissioner
HR & CE Board
Chennai

3. The Deputy Commissioner /
Executive Officer
Arulmighu Kapaleeswarar Temple
Mylapore, Chennai 600 004

+4cc to Mr.M.Balachandar, Advocate SR.No.50275

W.P.Nos.18938 to 18941 of 2018

KJI (CO)
GN(10/08/2018)