



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2018

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

WEB COPY

W.P.No.26704 of 2018

and

W.M.P.No.31072 of 2018

1. Kandhasamy
2. K.Thagavel
3. K.Krishnan
4. K.Murugesan

.. Petitioners

Vs

1. The Joint Commissioner
Hindu Religious Endowment Department
Salem District, Salem.
2. The Revenue Divisional Officer/
Sub Collector, Mettur.
3. The Tahsildar, Mettur.
4. The Executive Officer
Soragai Malai Vettaraya Perumal Koil
China Soragai Village, Tharamangalam Via
Mettur Taluk, Salem District.

5. P.Govindan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus directing the first respondent to consider the petitioner's applications filed under Section 63 of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 dated 02.05.2018 and dispose the same as per law.

For Petitioners: Mr.V.Ravi

For Respondents: Mr.M.Maharaja

Special Government Pleader

For R1 & R4

Mr.J.Ramesh,

Additional Government Pleader for R2 & R3

O R D E R

Mr.M.Maharaja, learned Special Government Pleader takes notice for the respondents 1 and 4. Mr.J.Ramesh, learned Additional Government Pleader takes notice for the respondents 2 and 3. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.



2. The petitioner has filed this petition seeking a mandamus, directing the first respondent to consider the petitioners' application dated 02.05.2018 filed under Section 63 of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 (for brevity, "the HR & CE Act") and dispose of the same.

3. The learned Special Government Pleader for the respondents 1 and 4 submitted that the petitioners' application dated 02.05.2018 filed under Section 63 of the HR & CE Act, is not in a proper format. However, he submitted that if the petitioners file the said application in a proper format, the same would be considered by the first respondent on merits and in accordance with law.

4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the petitioners to file Section 63 application in a proper format to the first respondent, within a period of two weeks from the date of receipt of a copy of this order. On such filing, the first respondent shall consider the same and pass appropriate orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioners as well as any other interested parties, within a period of eight weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Joint Commissioner
Hindu Religious Endowment Department
Salem District, Salem.
2. The Revenue Divisional Officer/
Sub Collector, Mettur.



3. The Tahsildar, Mettur.

4. The Executive Officer
Soragai Malai Vettaraya Perumal Koil
China Soragai Village, Tharamangalam Via
Mettur Taluk, Salem District.

+1cc to M/s.V.Ravi, Advocate SR.NO.71377
+1cc to Spl. Government Pleader SR.NO.71585

AD(co)
sm:13.11.2018

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and
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