



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.3661 of 2018
and
W.M.P (MD) Nos.3781 and 3782 of 2018

S.Rajendran

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Madurai.

3.The Deputy Commissioner,
Hindu Religious and Charitable
Endowment Department,
Arulmigu Kallalagar Thirukovil,
Madurai District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the impugned order passed by the 3rd respondent in Na.Ka.530/2006/Aa1-2, dated 30.12.2017 and quash the same.

For Petitioner : Mr.C.Vakeeswaran
For Respondents 1&2 : Mr.Aayiram K.Selvakumar,
Additional Government Pleader.
For 3rd Respondent : Mr.Manoharan

ORDER

This writ petition has been filed challenging the order passed by the third respondent terminating the lease of the petitioner.

2.Earlier a notice was issued by the third respondent on 12.01.2018 directing the petitioner to vacate the premises, the same was challenged before this Court in W.P(MD)No.2183 of 2018. This Court by an order dated 02.02.2018 set aside the order passed by the third respondent and directed the third respondent to initiate



proceedings under Section 78 of the Hindu Religious and Charitable Endowments Act, 1959.

3.Now, the petitioner challenged the notice dated 30.12.2017 terminating the lease which was issued prior to the order passed by the third respondent dated 12.01.2018. The main grievance of the petitioner is that the order of termination of lease is not valid since the Executive Officer, the third respondent has no power to terminate the lease. The same issue has already been dealt with by this Court in the above said writ petition and directed the third respondent to proceed against the petitioner under Section 78 of the Hindu Religious and Charitable Endowments Act, 1959. Therefore, if the petitioner has any grievance for the termination of lease, it is open to the petitioner to raise his objections in the proceedings initiated under Section 78 of the Hindu Religious and Charitable Endowments Act, 1959 and the petitioner cannot challenge the above order at this stage.

4.Accordingly, the writ petition is dismissed. No costs. Consequently, W.M.P(MD)Nos.3781 and 3782 of 2018 are closed.

Sd/-

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar

To

1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department, Madurai.

3.The Deputy Commissioner/ Executive Officer,
Hindu Religious and Charitable
Endowment Department,
Arulmigu Kallalagar Thirukovil,
Madurai District.

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.50989

+1CC TO M/S.S.MANO HAR, ADVOCATE, SR NO.50653

+1CC TO M/S.C.VAKESWARAN, ADVOCATE, SR NO.50440

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