



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.451 of 2018
and
W.M.P (MD) Nos.448 and 449 of 2018

Ramakrishnan ... Petitioner
Vs.

- 1.The Joint Commissioner,
O/o.Joint Commissioner,
HR & CE,
Mayiladuthurai.
- 2.The Assistant Commissioner,
HR & CE, Kumbakonam,
Thanjavur District.
- 3.The Executive Officer,
A/m Bhramabhureeswar cum
Varadharaja Perumal Koil,
Enanallur,
Natchiyar Koil,
Kumbakonam,
Thanjavur District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order dated 08/12/2016 passed in M.P.No. 98/2016 by the 1st respondent and to quash the same and to direct the respondents to hand over vacant possession of the shop portion in S.No.159/7 measuring an extent of 0.03.0 ares situated at Enanallur Village, Kumbakonam Taluk.

For Petitioner	: Mr.N.R.Balaji
For Respondents	:Mr.Aayiram K.Selvakumar, Additional Government Pleader.

ORDER

This writ petition has been filed challenging the order passed by the Joint Commissioner, under Section 80 of the Hindu Religious and Charitable Endowments Act, 1959.



2. Admittedly, there is an appeal remedy is available before the Commissioner, HR & CE as against the order of Joint Commissioner. The petitioner without exhausting such remedy cannot maintain the present writ petition. Accordingly, the writ petition is dismissed. It is open to the petitioner to challenge the order passed by the Joint Commissioner, HR & CE by filing appeal before the Commissioner, HR & CE. No costs. Consequently, W.M.P(MD) Nos.448 and 449 of 2018 are closed.

Sd/-
Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

1. The Joint Commissioner,
O/o. Joint Commissioner,
HR & CE, Mayiladuthurai.
2. The Assistant Commissioner,
HR & CE, Kumbakonam,
Thanjavur District.
3. The Executive Officer,
A/m Bhramabhureeswar cum
Varadharaja Perumal Koil,
Enanallur, Natchiyar Koil,
Kumbakonam, Thanjavur District.

+One cc to Mr.N.R.Balaji, Advocate, SR.No.41263

sms

RL/5C/2P/MR/SAR4/23/1/2018

Writ Petition (MD) No.451 of 2018

10/01/2018