



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2018

CORAM:

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.(MD) No.6069 of 2018

and

W.MP.(MD) Nos.5946 and 5947 of 2018

Murugan

... Petitioner

-vs-

1.The Joint Commissioner,
H.R. & C.E. Department,
Palayamkottai, Tirunelveli.

2.The Assistant Commissioner,
H.R.& C.E. Department,
Nagercoil, Kanyakumari District.

3.The Thakkar,
Parvathipuram Udamoottu Dharman,
Under Arulmigu Subramaniya Samy Temple,
rep. by the Joint Commissioner/
Executive Officer,
H.R. & C.E. Department,
Subramaniya Samy Temple,
Tiruchendur.

4.The Joint Joint Commissioner/
Executive Officer,
H.R. & C.E. Department,
Subramaniya Samy Temple,
Tiruchendur.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the documents pertaining to impugned order passed by the 1st respondent vide M.P.No.24/2016 dated 19.09.2017 and quash the same as illegal and consequently direct the 1st respondent to conduct denova enquiry after giving personal hearing to the petitioner.

For Petitioner : Mr.K.P.Narayanakumar

For Respondent

: Mr.V.R.Shanmuganathan, Spl.G.P.
For R1
Mr.Ajith Geethaiyan for R3

O R D E R

(Order of the Court was made by T.S.SIVAGNANAM, J.)

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Heard Mr.K.P.Narayanakumar, learned counsel appearing for the petitioner and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the first respondent and Mr.Ajith Geethaiyan, learned counsel for the third respondent.

2.This writ petition has been filed challenging the order passed by the first respondent. Admittedly, the petitioner has an alternate remedy of filing a revision before the Commissioner, H.R. & C.E. Department under Section 21 of the Hindu Religious and Charitable Endowment Act. Without exhausting the said remedy, the petitioner is not justified in approaching this Court by way of this writ petition.

3.The learned counsel for the petitioner vehemently contended that the order passed by the first respondent is an exparte order and the petitioner should be granted an opportunity to go before the first respondent. However, from the findings recorded by the first respondent in the impugned order, we find that notice given to the petitioner is stated to have been refused. Therefore, substituted service has been resorted to and paper publication was effected and then only, order has been passed.

4.The contention raised by the petitioner is no ground to bypass the revisional remedy. Therefore, the writ petition is held to be not maintainable and accordingly, this writ petition stands dismissed, leaving it open to the petitioner to file a revision before the revisional authority in accordance with the provisions of the Act. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CSIII)

/True Copy/

Sub-Assistant Registrar

To

The Joint Commissioner, H.R. & C.E. Department,
Palayamkottai, Tirunelveli.

+One cc to M/s.K.P.Narayana Kumar, Advocate, SR.No.57408

+One cc to Mr.M.Muthugeethayan, Advocate, SR.No.56786

+One cc to The Special Government Pleader, SR.No.57264

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RL/5C/2p/SKN/RSK/SAR1/3/4/2018

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and

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