



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.(MD) No.19172 of 2018

and

W.M.P.(MD) No.17009 of 2018

M.Chelladurai

... Petitioner

vs.

1.The Commissioner
Hindu Religious and Charitable
Endowment Department
Nungambakkam
Chennai-34

2.The Assistant Commissioner
Hindu Religious and Charitable
Endowment Department
Tirunelveli-2

3.The Inspector
Hindu Religious and Charitable
Endowment Department
Kadaiyanallur Circle
Tirunelveli District

4.K.Vallithevar

5.R.Paramasivathevar

6.R.Vengadesan

7.S.Madasamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari to call for the records on the file of the second respondent vide proceedings Na.Ka.No.6163/2015/E1 dated 16.08.2018 signed on 24.08.2018 and quash the same as illegal as devoid of merits.

For Petitioner : Mr.Raja.Karthikeyan

For Respondents : Mr.C.M.Mari Chelliah Prabhu

Additional Government Pleader for R1 to R3

O R D E R

What is challenged in this writ petition is a show-cause notice issued by the second respondent directing the petitioner to show-cause as to why the subject Temple cannot be brought under the Hindu Religious and Charitable Endowments Department.

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2. According to the petitioner, the said show-cause notice is not maintainable under the provisions of the Hindu Religious and Charitable Endowments Act, 1959.

3. This Court is of the considered view that it is only a show-cause notice, which directed the petitioner to submit his objections and without submitting his objections, the petitioner has chosen to approach this Court by invoking its extraordinary jurisdiction under Article 226 of the Constitution of India. In case the petitioner has any legitimate objection in regard to the issuance of the show-cause notice, it is always open to him to submit his explanation and even raise the issue of maintainability of the show-cause notice before the second respondent. Without doing so, the petitioner has chosen to approach this Court by challenging the show-cause notice.

4. This Court is of the considered view that this Court's jurisdiction cannot be invoked in order to pre-empt the move by the second respondent in initiating action in respect of the subject - Temple. This Court does not think that at this stage, the writ petition can be entertained. Therefore, the writ petition is not maintainable as against the show-cause notice, in Na.Ka.No.6163/2015/E1, dated 16.08.2018, and therefore, the same is dismissed. It is always open to the petitioner to raise all objections before the second respondent, including the issue of jurisdiction, if he is so advised. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar(CS-I)

To:

1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam,
Chennai-34.

2.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,



3.The Inspector,
Hindu Religious and Charitable
Endowment Department,
Kadaiyanallur Circle,
Tirunelveli District.

+1cc to M/S.Raja Karthikeyan, Advocate SR.No. 82419
+1cc to Special Government Pleader, SR.No. 82522

W.P. (MD) No.19172 of 2018

and

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04.09.2018

krk

JM/RP/SAR 1/06.09.2018/3P/6C