



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.20007 of 2018

and

W.M.P. (MD) No.17786 of 2018

V.Asokan

... Petitioner

vs.

1. The Joint Commissioner
Tamil Nadu Hindu Religious and
Charitable Endowment Department
Sivagangai

2. The Assistant Commissioner
Tamil Nadu Hindu Religious and
Charitable Endowment Department
Virudhunagar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records of the 1st respondent dated 3/9/2018 in O.A.No.12/1997 quash the same, as the same is arbitrary, ultravires, contrary to the principles of natural justice, audi alteram partem.

For Petitioner : Mr.R.G.Shankar Ganesh

For Respondents : Mr.S.Angappan

Government Advocate (Civil Side)

O R D E R

The present writ petition is filed challenging the notice, dated 03.09.2018, issued by the first respondent, directing the Assistant Commissioner, Tamil Nadu Hindu Religious and Charitable Endowments Department, Virudhunagar / second respondent herein to file proper application to get himself impleaded in the original proceedings pending before the Authority concerned. The enquiry date has been fixed on 20.09.2018.

2. According to the learned counsel for the petitioner, no copies of any impleading application has been served on the petitioner and therefore, the impugned notice issued by the first respondent is liable to be interfered with.

3. However, from the contents of the impugned notice, it is seen that the second respondent has been directed to file proper application to get himself impleaded in the original proceedings



pending before the Authority concerned and hence, the enquiry is scheduled to be held on 20.09.2018. In case the petitioner is aggrieved by the conduct of the first respondent, it is always open to him to raise his objections, if he is so advised, before the first respondent. In stead of raising his objections before the first respondent on the date of enquiry fixed, the petitioner has rushed to this Court unnecessarily by invoking its extraordinary jurisdiction under Article 226 of the Constitution of India.

4. When an enquiry notice is issued, it is always open to the petitioner to raise as many as objections, as he deems it fit in support of his claim. However, it is certainly not open to the petitioner to approach this Court in the interregnum challenging the very enquiry notice.

5. Hence, for the above said reasons, this Court is of the considered view that the writ petition is not maintainable and the same is, therefore, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Joint Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Sivagangai.
2. The Assistant Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Virudhunagar.

+1cc to SPECIAL GOVERNMENT PLEADER, SR.No.85635
krk
MK/BU/PM/SAR 2/03.10.2018/2P/4C

W.P. (MD) No.20007 of 2018
and
W.M.P. (MD) No.17786 of 2018
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