



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.20553 of 2018**and****W.M.P. (MD) No.18297 of 2018**

K.Vedhavalli

... Petitioner

vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Mahatma Gandhi Road,
Nungambakkam,
Chennai-600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment (Admn.,) Department,
Tiruchirappalli.

3.The Executive Officer,
A/m.Kuzhumayee Amman Temple,
Puthur Village,
Trichy District,
Having office at
A/m Panchavarnaswami Temple,
Oraiur, Trichy-3.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records pertaining to the impugned order passed by the first respondent in Na.Ka.No.19999/2014/R3, dated 29.09.2014, quash the same and direct the first respondent to permit the petitioner to sell the land or on extent of 0.62 cents compromised in T.S.No.21, New Ward, E-Block in Puthur Village, Trichy Town, Trichy Taluk within a stipulated time as fixed by this Court.

For Petitioner : Ms.L.Nagalakshmi

For Respondents : Mr.M.Jeyakumar

Additional Government Pleader
for R.1: Mr.C.Guhaseelarupan
for R.2

**ORDER**

What is impugned in the writ petition is the order passed by the first respondent dated 29.09.2014 in regard to the property belonging to the third respondent temple. Although the petitioner participated in the enquiry conducted by the first respondent and when adverse order was passed as early as in September 2014, no steps have been taken to proceed against the impugned order. After lapse of four full years, the present writ petition has been filed except stating that the copy of the impugned order was not served on the petitioner and it was obtained only recently by invoking the Right to Information Act and no other averment has been made in the affidavit in support of the petitioner's case. However from the impugned order it could be seen that the copy of the order has been marked to the petitioner herein and in the teeth of such fact, the averment contained in the affidavit about the non-receipt of the impugned order is hardly convincing and does not carry conviction with this Court.

2. For the above said reasons, this Court is of the considered view that the writ petition is barred by delay and latches and the same cannot be entertained at this stage. Therefore, the same is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar(CS-I)

To

The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Mahatma Gandhi Road,
Nungambakkam,
Chennai-600 034.

+1cc to Special Government Pleader, Sr.No.87552.

+1cc to M/s.J.Ananthavalli, Advocate, Sr.No.87088.

W.P. (MD) No.20553 of 2018
27.09.2018

KK/RSK/SAR 1/30.10.2018/2P/4C