

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.3604 of 2019

and

W.M.P.No.3952 of 2019

Srila Sri Sivanandha Mouna Swamigal
Arakkattalai,
Rep. by its Secretary,
A.Murugesan,
Thiruvalam, Sannathi Street,
Katpadi Taluk, Vellore District,
Tamil Nadu - 632 515.

... Petitioner

Vs

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Vellore.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Vellore.
- 3.The Executive Officer-cum-Fit Person
Arulmighu Vilvanatheeswarar Thirukoil,
Thiruvalam, Katpadi Taluk,
Vellore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of the 1st respondent in its proceedings dated 21.01.2019 in Se.Mu.Nu. Na.Ka.No.10367/2013/E1 and quash the same.

For Petitioner : Mr.G.Krishna Kumar

For Respondents: Mr.M.Maharaja,
Special Government Pleader

O R D E R

The petitioner is aggrieved against the order of the 1st respondent dated 21.01.2019 issued under Section 78 of the H.R. & C.E. Act.

2. Through the impugned order, the petitioner was called upon to vacate and handover possession of subject matter property within 15 days from the date of receipt of the impugned proceedings. Though, several contentions are raised in this writ petition on merits of the eviction order, this Court is not inclined to entertain those contentions and decide on the same, since the petitioner is having a remedy by way of filing revision before the Commissioner under Section 21 (1) of the H.R. & C.E Act, 1959. Therefore, it is for the petitioner to approach such authority and raise all the contentions as raised in this writ petition and exhaust such remedy.

3. Accordingly, without expressing any view on the merits of the contentions, this Writ Petition is disposed of by granting liberty to the petitioner to file such revision before the Commissioner, HR & CE, within a period of three weeks from the date of receipt of a copy of this order. On receipt of such revision, the Commissioner shall pass orders on the same on merits and in accordance with law within a period of three months, thereafter. Till an order is passed by the Commissioner, the status quo as on today shall be maintained by both the parties. No costs. Consequently, the connected miscellaneous petition is closed.

gsi/vsi

Sd/-

Assistant Registrar (CS VI)

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Vellore.

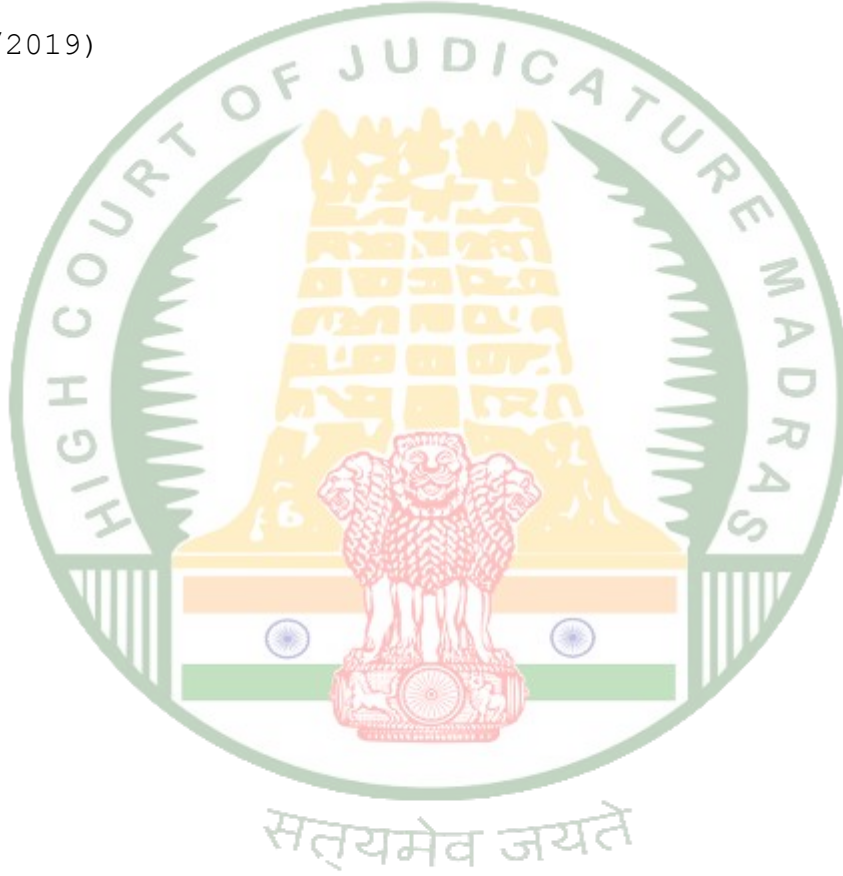
2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Vellore.

3.The Executive Officer-cum-Fit Person
Arulmighu Vilvanatheeswarar Thirukoil,
Thiruvalam, Katpadi Taluk,
Vellore District.

+1cc to Mr.G.Krishnakumar, Advocate, S.R.No.10286
+1cc to the Government Pleader, S.R.No.11520

W.P.No.3604 of 2019

pm(co)
kak(05/03/2019)



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