

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.5563 of 2019
and
W.M.P.No.6332 of 2019

D.P.Veeramarthandan

...Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment,
(Administration Department),
Salem No.1,
Salem District.
3. The Executive Officer,
Arulmigu Selliamman Mariamman Temple,
Kumarasampatti,
Dharmapuri Town and Taluk,
Dharmapuri District.
4. The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Dharmapuri.
5. Arulmigu Selliamman Mariamman Temple,
Represented by its Hereditary Trustee,
Kumarasampatti,
Dharmapuri Town and Taluk,
Dharmapuri 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 2nd respondent pertaining to the order in Pa.Ma.73 & 74/2014/A1/dated 26.12.2018 signed on 11.01.2019 and quash the same.

For Petitioner : Mr.P.Valliappan
For Respondents: Mr.M.Maharaja
Special Government Pleader
for R1 to R4

O R D E R

Mr.M.Maharaja, learned Special Government Pleader takes notice for the respondents 1 to 4. Since this writ petition is being disposed of without affecting the interest of the fifth respondent, notice to the said respondent is dispensed with.

2. The petitioner is aggrieved against the order passed by the second respondent dated 26.12.2018 under Section 78 of the Hindu Religious and Charitable Endowments Act, 1959. Though, several contentions are raised on merits of the matter, this Court is not inclined to entertain this writ petition solely on the reason that the petitioner is having an effective alternative remedy to file an appeal before the Government as against the impugned order of eviction passed under Section 78 of the HR & CE Act, 1959. Without filing such appeal, the petitioner is not entitled to canvass the correctness or otherwise of the order passed by the second respondent.

3. Therefore, this writ petition is disposed of, only by granting liberty to the petitioner to file such an appeal before the Appellate Authority, within a period of four weeks from the date of receipt of a copy of this order. If any such appeal is filed within the time stipulated, the Appellate Authority shall entertain the appeal and pass orders on merits and in accordance with law, after hearing all the parties, as this Court is not expressing any view on the merits of the claim made by the petitioner. Till such an appeal is filed before the said Appellate Authority, the status quo as on today shall be maintained by the respondents. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

sni/mk

To

1. The Commissioner,
Hindu Religious and Charitable Endowments
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600034.

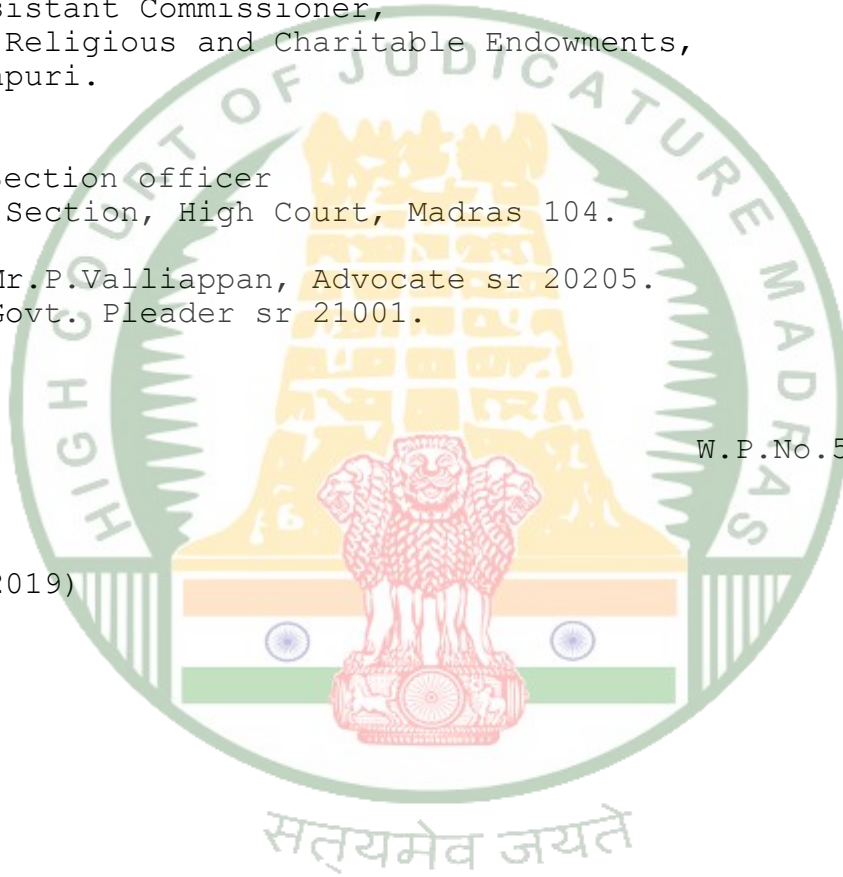
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment,
(Administration Department),
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Kumarasamypatti,
Dharmapuri Town and Taluk,
Dharmapuri District.
4. The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Dharmapuri.

Copy to
The Section officer
Writ Section, High Court, Madras 104.

+1 CC to Mr.P.Valliappan, Advocate sr 20205.
+1 CC to Govt. Pleader sr 21001.

W.P.No.5563 of 2019

GJ(CO)
SP(28/03/2019)



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