

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 28.03.2019
CORAM
THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
W.P.No.8798 of 2019
and
W.M.P.No.9363 of 2019

K.Jagadeesan

...Petitioner

Vs.

1. The Commissioner,
Hindu Religious & Charitable Endowments,
119, Uthamar Gandhi Salai,
Thousand Lights West, Chennai-600034.
2. The Joint Commissioner,
Hindu Religious & Charitable Endowments,
Nungambakkam, Chennai-600034.
3. The Executive Office,
Arulmigu Thandeeswarar Thirukovil,
Velacherry, Chennai-600042. ...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relevant to the proceeding of the 2nd respondent NATA.NAKA.No.3391/2014/A2 dated 03.03.2016 and calling for the records relevant to the proceeding of the 1st respondent wide order dated 13.07.2018 in R.P.No.342/2017 D2 and quash the same, consequently direct the 1st, 2nd and 3rd respondents to give possession along with the seized Equipments of the premises by collecting the rent and arrears pending considering the petitioner as official tenant by making necessary effects in the official records.

For Petitioner : Mr.S.B.Suresh Kumar
For Respondents: Mr.M.Maharaja
Special Government Pleader
for R1 & R2

O R D E R

This Writ Petition is filed challenging the order of the 1st respondent conforming the order of the 2nd respondent passed under Section 78 of the Hindu Religious and Charitable Endowments Act.

2. It seems that the 2nd respondent has passed an order of eviction as early as on 03.03.2016 and the 1st respondent has also confirmed such order on 13.07.2018. As against the order of the 1st respondent, the petitioner is having an appellate remedy before the Government of Tamil Nadu and therefore, it is for the petitioner to work out his remedy before such authority. Without doing so, the petitioner has come forward to file the present writ petition, which this Court, is not inclined to entertain.

3. Accordingly, this Writ Petition is dismissed, without expressing any view on the merits of the contention raised by the petitioner, however, by granting liberty to the petitioner to file such an appeal before the concerned Appellate Authority. No costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

sni/mk
To

1. The Commissioner,
Hindu Religious & Charitable Endowments,
119, Uthamar Gandhi Salai,
Thousand Lights West, Chennai-600034.
2. The Joint Commissioner,
Hindu Religious & Charitable Endowments,
Nungambakkam, Chennai-600034.

+1cc to Mr.S.B.Suresh Kumar , Advocate SR.No. 31153
+1 cc to Government Pleader SR.NO. 30697

W.P.No.8798 of 2019

mr (CO)
A.SK (06/05/2019)

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