

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2019

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.10191 of 2019
and
WMP.Nos.10754 & 10755 of 2019

L.Ramaseshan

...Petitioner

Vs.

- 1.The Commissioner
HR&CE
Nungambakkam, Chennai.
- 2.The Joint Commissioner
HR&CE
Coimbatore.
- 3.Thilgavathy
Fit person
Anuppampatty Varadaraja Perumal Temple
Kilankundam Village.
- 4.The District Collector
Thiruppur District, Thiruppur.
- 5.The District Revenue Officer
Dharapuram Taluk, Dharapuram.
- 6.The Thasildhar
Dharapuram Taluk, Dharapuram.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarifi, calling for the records comprised the impugned notice in M.C-67/2018 dated 10.09.2018 passed by the 2nd respondent and quash the same.

For Petitioner : Mr.Shobana Ramasubramanian

For Respondents: Mr.M.Maharaja

Special Government Pleader
for R1 to R3

Mr.S.N.Parthasarathy
Government Advocate
for R4 to R6

O R D E R

Mr.S.N.Parthasarathy, learned Government Advocate takes notice for the respondents 1 to 3. Mr.S.N.Parthasarathy, learned Government Advocate takes notice for the respondents 4 to 6. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed challenging the proceedings dated 10.09.2018, which is nothing but a notice issued under Section 78 of the Hindu Religious and Charitable Endowments Act, to the petitioner to appear for an enquiry on 30.10.2018.

3. Though several contentions are raised by the petitioner on merits of his claim, this Court is not inclined to entertain the same for the simple reason that what is under challenge is only a notice for enquiry and therefore, it is for the petitioner to make all his objections before the authority, who issued the notice.

4. The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the enquiry is going on and therefore, the present writ petition is not maintainable.

5. Needless to say that when the enquiry is going on pursuant to the issuance of the impugned notice, it is for the petitioner to participate in the enquiry and allow the proceedings to reach its finality. Considering the fact that the notice was issued as early as on 10.09.2018 and it is stated that the enquiry is going on, the 2nd respondent is directed to complete the enquiry and pass final orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. It is represented by the learned counsel for the petitioner that under the guise of holding enquiry, the daily poojas in the subject matter temple is not being conducted for the past one month.

7. If that be the case, the respondents, under the guise of conducting enquiry, cannot stop the poojas, which are to be performed daily. Therefore, the respondents shall see that the daily poojas are being conducted as per the schedule followed so far.

With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner
HR&CE
Nungambakkam, Chennai.
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HR&CE
Coimbatore.
- 3.Thilgavathy
Fit person
Anuppampatty Varadaraja Perumal Temple
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Thiruppur District
Thiruppur.
- 5.The District Revenue Officer
Dharapuram Taluk
Dharapuram.
- 6.The Thasildhar
Dharapuram Taluk
Dharapuram.

+1cc to Mr.Shobana Ramasubramanian, Advocate, S.R.No.32598
+1cc to the Government Pleader, S.R.No. 34058
+1cc to the Special Government Pleader(HR & CE), S.R.No.33628

W.P.No.10191 of 2019

KAN(CO)
CS/24/04/2019