

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.06.2019

CORAM:

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 16169 of 2019
and
W.M.P.No.15895 of 2019

S. Prem Kumar

.. Petitioner

Vs.

1. The Commissioner,
Hindu Religious & Charitable Endowments,
Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.

2. The Executive Officer,
Arulmigu Thiruvalluvar Thirukoil,
Padi, Chennai - 600 050.

... Respondents

Prayer:- Writ petition filed under Article 226 of Constitution of India, seeking for a Writ of Certiorarified Mandamus calling for the records of the Second Respondent in respect of the issuance of the impugned notice Na.Ka.No.Nil dated 15.05.2019 and to quash the same.

For Petitioner : Mr.E.Omprakash, Senior Counsel
Assisted by Mr.P.Ellaya Rajkumar
for M/s.Ramalingam and Associates

For Respondents : Mr.M.Maharaja,
Special Government Pleader
(HR & CE)

O R D E R

The Writ Petition has been filed challenging the order dated 15.05.2019 passed by the Second Respondent terminating the lease granted to the Petitioner in respect of the property of the Temple.

2. By consent, the Writ Petition is taken up for final disposal at the time of admission.

3. Mr. E. Omprakash, Learned Senior Counsel appearing for the Petitioner submitted that the impugned order is vitiated as no enquiry has been conducted before passing the same. Mr. M.

Maharaja, Learned Special Government Pleader appearing for the Respondents, on instructions, submitted that before passing the impugned order, notice dated 21.11.2017 had been issued. On a perusal of the impugned order, there is reference to the notice dated 21.11.2017, but the Learned Senior Counsel appearing for the Petitioner contends that no such notice has been served on the Petitioner. When a query in this regard has been raised to the Respondents, Learned Special Government Pleader has produced the copy of the notice and the returned postal cover from which it is seen that the same had been returned with postal endorsement 'insufficient address' and that the address given in that notice is different from what has been mentioned in the impugned order.

4. It would be evident from the aforesaid narration of facts that the impugned order, which has been passed without proper service of notice to the Respondents, cannot be sustained and accordingly, the same is set aside. However, in order to expedite the matter, the Second Respondent has today (12.06.2019) issued a fresh notice to the Petitioner, who is present in Court, which is acknowledged by him by making endorsement to that effect. The Petitioner shall submit his explanation for the aforesaid notice within 15 days from today, and on receipt of the same, the Respondents shall consider the objections raised by the Petitioner, conduct enquiry giving full opportunity of hearing to the Petitioner and pass reasoned order on merits and in accordance with law and the Petitioner shall be communicated of the decision taken.

5. The Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No Costs.

Sd/-

Assistant Registrar (Insp.cell)

//True copy//

Sub Assistant Registrar

vjt/vji

To

1. The Commissioner,
Hindu Religious & Charitable Endowments,
Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.

2. The Executive Officer,
Arulmigu Thiruvallleswarar Thirukoil,
Padi, Chennai - 600 050.

+2cc to M/s.Ramalingam, Advocate SR.No.47777

W.P. No. 16169 of 2019

RSK(CO)
GMV(01/07/2019)



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