

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 03.12.2019
CORAM
THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN
W.P.No.16535 of 2018
and
W.M.P.Nos.19719 and 19720 of 2018

Appadurai

.. Petitioner

..Vs..

- 1.The Assistant Commissioner of HR & CE,
Erode,
Erode District.
- 2.The Thasildar,
Perundurai Taluk,
Erode District.
- 3.Pongiyannan .. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the second respondent in Na.Ka.No.4342/2018/A6 dated 30.05.2018 and quash the same.

For Petitioner : Mr.A.Sundaravadhanan
For Respondents : Ms.Rajalakshmi
Additional Government Pleader

O R D E R

The petitioner has filed the present Writ Petition for issuance of a Writ of Certiorari, calling for the records of the second respondent in Na.Ka.No.4342/2018/A6 dated 30.05.2018 and quash the same.

2. The petitioner and others sought for permission to renovate Mariamman temple, permission was granted and renovation was carried on and thereafter, necessary function was also finished.

3. A perusal of the said impugned notice shows that it is only an invitation calling upon the petitioner to appear for the enquiry with respect of the land in which the temple is situated.

4. Heard, the learned counsel for the petitioner and Ms.Rajalakshmi learned Additional Government Pleader appearing for the HR&CE Department.

5. It is stated that a suit was filed by the petitioner and others in O.S.No.15 of 1999, on the file of the District Munsif Cum Judicial Magistrate Court, Perundurai and the same was decreed on 28.02.2001. As against the judgment in the said suit, the appellant therein had preferred an appeal in A.S.No.79 of 2001, on the file of the District Court, Erode and the same was dismissed. Aggrieved over the judgment and decree, a second appeal was filed in S.A.No.559 of 2005 and the same is pending before this Court.

6. In view of the fact that the Civil proceedings are pending and the Second Appeal has not yet been decided, it is necessary on the part of the second respondent to await the decision of the final Civil proceedings, before any further action. The notice under challenge is an invitation to participate in the enquiry. However, this court is of the opinion that the enquiry itself cannot be conducted at this stage, since Civil Court proceedings have not reached finality.

7. The writ petition is allowed and the said notice is quashed. Liberty is granted to the Revenue Authority to re-open the matter, after completion of civil proceedings and then pass an appropriate order in accordance with law. No Costs. Consequently, the connected miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

// True Copy //

Sub Assistant Registrar

tta

To

1. The Assistant Commissioner of HR & CE,
Erode, Erode District.

2. The Thasildar, Perundurai Taluk, Erode District.

+1cc to Mr.A.Sundaravadhanan, Advocate, SR.No.100830

+1cc to Government Pleader (HR & CE), SR.No.101233.

+1cc to Government Pleader, SR.No.101145.

W.P.No.16535 of 2018

and

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VSNI

CSR:29/01/2020