

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2019

CORAM :

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.11197 of 2017
and
W.M.P. No.12151 of 2017

S.Thirupurasundari

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious & Charitable
Endowments Department,
Nungambakkam High Road,
Chennai - 600 034.

2.The Thasildar,
Aminjikarai Taluk Office,
Aminjikarai,
Chennai - 600 030.

3.Arulmighu Ekambareswarar Thirukoil
having its office at the temple premises
Aminjikarai,
Chennai - 600 029.

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the notice of the third respondent, dated 17.04.2017 and quash the same and consequently forbear the respondents from interfering with the peaceful possession of the petitioner's property, situated at Old No.32, 33, New No.17, Pulla Avenue, Shenoy Nagar, Chennai - 600 030.

For Petitioner : Mr.A.Jenasenan

For R1 : Mr.M.Maharaja

Special Government Pleader

For R2 : Mr.K.Ravi Kumar

For R3 : Mr.V.Raghavachari

O R D E R

The instant writ petition has been filed challenging the show cause notice dated 17.04.2017 issued by the third respondent.

2.It is admitted by the learned counsel for the petitioner that the third respondent has got jurisdiction to issue the show cause notice under Section 34-A of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

3.This being the case, it is settled law that, show cause notice issued with jurisdiction and with authority under law cannot be challenged by way of writ petition. Since the petitioner has already challenged the show cause notice in this writ petition, the petitioner must not lose the opportunity to reply to the said show cause notice.

4.Accordingly, the petitioner is permitted to reply to the show cause notice, dated 17.04.2017, issued by the third respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the reply from the petitioner, the third respondent shall pass final orders in accordance with law, within a period of two months thereafter, after giving sufficient opportunity to the petitioner to place all her objections.

5.Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mkn

To

1.The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Nungambakkam High Road,
Chennai - 600 034.

2.The Thasildar,
Aminjikarai Taluk Office,
Aminjikarai,
Chennai - 600 030.

3.The Executive Officer,
Arulmighu Ekambareswarar Thirukoil,
having its office at the temple premises
Aminjikarai,
Chennai - 600 029.

+1cc to Mr.V.Raghavachari, Advocate SR.104229
+1cc to Spl Government Pleder (HR & CE) SR.104621

W.P. No.11197 of 2017

RSV(CO)
CB(07/02/2020)



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