



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2019

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P(MD) .No.1754 of 2019
and W.M.P. (MD) .No.1507 of 2019

P.Elango

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam High Road, Chennai 34.

2.The Deputy Commissioner/Executive Officer,
Arulmighu Sankaranarayanawamy Temple,
Sankarankovil, Tirunelveli District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorari calling for the records relating to the impugned notice issued by the 2nd respondent in Na.Ka.No.355/2018, A1-25, dated 04.01.2019, quash the same as illegal.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.M.Karuppasamy,
Government Advocate

ORDER

The writ petitioner is an occupant of shop belonging to the respondent temple. Pursuant to the circular issued by the Commissioner of Hindu Religious and Charitable Endowment Department, dated 14.02.2018, the respondent temple issued the impugned eviction order. The said circular of the Commissioner of Hindu Religious and Charitable Endowment Department has since been set aside by order, dated 08.04.2019 in Civil Appeal Nos.3461 - 3505 of 2019 by the Honourable Supreme Court. Therefore, the order impugned in the writ petition has to be quashed and accordingly the impugned order is quashed.

2.The respondents are at liberty to proceed in the matter in question against the writ petitioner individually strictly in terms of the provisions set out in the Hindu Religious and Charitable Endowment Act.



3. With this liberty the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar(Records)

// True Copy //

Sub Assistant Registrar(CS)

To:

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam High Road, Chennai 34.
2. The Deputy Commissioner/Executive Officer,
Arulmighu Sankaranarayanawamy Temple,
Sankarankovil, Tirunelveli District.

+1 CC to M/s.R.J.KARTHICK, Advocate in SR-63817

+1 CC to M/s.Special Government Pleader in SR-63966

W.P(MD) .No.1754 of 2019
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TM

PK/14.05.2019 : 2P/5C