



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.13941 of 2019

WEB COPY

A.K.Akilandeswar

... Petitioner

-Vs-

1. The Secretary to Government of Tamil Nadu,
Tourism, Culture and Religious
Endowments Department,
Secretariat, St.Fort George,
Chennai-600 009.
 2. The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Thousand Lights West, Nungambakkam,
Chennai-600 034.
 3. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thanjavur.
 4. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Sivagangai.
 5. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Paramakudi, Ramanathapuram District.
 6. The Principal Accountant General,
(Accounts and Entitlements) Tamil Nadu,
361, Anna Salai, Chennai-600 018.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned proceedings in Na.Ka.No.62903/2015/ltd 1-3/, dated 13.05.2019 issued by the first respondent herein and quash the same.

For Petitioner : Mr.S.Manikandan

For R1 to R5 : Mr.V.R.Shanmuganathan,
Special Government Pleader.

(*) For R6 : Mr.P.Gunasekaran



ORDER

The order of the first respondent dated 13.05.2019, directing the fourth respondent to recover the amount from the petitioner, as per the order passed in the surcharge proceedings, is sought to be quashed in the Writ Petition.

2. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents 1 to 5 and perused the materials available on record carefully.

3. This Court, by the order dated 03.10.2019, has allowed the Writ Petition in W.P.(MD)No.12413 of 2019 filed by the petitioner to set aside the order passed in surcharge proceedings, which was confirmed in the Writ Appeal. In view of the same, the order passed in the surcharge proceedings is no longer in force. Therefore, the impugned order dated 13.05.2019, directing the fourth respondent to recover the amount from the petitioner, is invalid. Therefore, the impugned order of the first respondent, dated 13.05.2019, is set aside.

4. For the above reasons, this Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar (CS-III)

**(*) Amended as per order of this
Hon'ble Court dated 29.11.2019**

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

(*) to be substituted the order already despatched on 12.11.2019

1. The Secretary to Government of Tamil Nadu,
Tourism, Culture and Religious
Endowments Department,
Secretariat, St.Fort George, Chennai-600 009.
2. The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Thousand Lights West, Nungambakkam, Chennai-600 034.



3. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thanjavur.

4. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Sivagangai.

5. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Paramakudi, Ramanathapuram District.

+1 CC to Mr.P.GUNASEKARAN, Advocate (SR-94580[F] dated 25/10/2019)

W.P. (MD) No.13941 of 2019
25.10.2019

MYR

MK (11.11.2019) 3P 7C

TR (10.12.2019) 3P 7C