



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

WP(MD).No. 10803 of 2018 and

WMP(MD).Nos. 9916 and 11026 of 2018

WEB COPY

P. Prabakaran

: Petitioner

Vs.

1.The Deputy Commissioner,
Hindu Religious and Charitable Endowments,
Madurai.

2.Administrator,
Arulmigu Bairagi Mutt,
Madurai.

: Respondents

Prayer: This Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the 2nd respondent dated 13.02.2018 and consequential impugned order of the 1st respondent dated 09.04.2018 in Miscellaneous Petition No.151/2017 and received by the petitioner on 14.04.2018 and quash the same.

For Petitioner

: Mrs. M. Rajeswari
for S.M.S.Johny Basha

For Respondents 1& 2

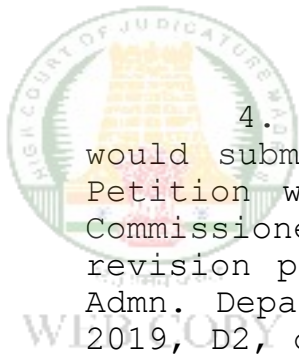
: Mr.S. Manokar
Standing Counsel

O R D E R

This writ petition has been filed to quash the impugned order of the 2nd respondent, dated 13.02.2018 and the consequential impugned order of the 1st respondent, dated 09.04.2018 in Miscellaneous Petition No.151/2017.

2. Aggrieved over the order of the first respondent / Deputy Commissioner, Hindu Religious and Charitable Endowments, under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, the petitioner has approached this Court.

3. While granting an order of stay of eviction, a condition was imposed by this Court to deposit a sum of Rs.2,00,000/-. The petitioner has complied with the direction of this Court and now, submits that they have already filed a revision before the Commissioner, H.R & C.E. Admn. Department, Chennai, under Section 21 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, and the same is pending at the condone delay stage.



4. Now, the learned counsel appearing for the petitioner would submit that the petitioner is willing to withdraw this Writ Petition with liberty to contest the revision pending before the Commissioner, H.R & C.E. Admn. Department, Chennai. Further, the revision proceedings pending before the Commissioner, H.R & C.E. Admn. Department, Chennai is evidenced by Notice in R.C.No. 9669 / 2019, D2, dated 06.03.2019.

5. Considering the submissions, this Court is of the view that it is a fit case to condone the delay of 22 days in filing revision and hence, a direction is issued to the the Commissioner, H.R & C.E. Admn. Department, Chennai, decide the matter on merits, within a period four weeks from the date of receipt of a copy of this order. Since the petitioner has deposited considerable sum towards the arrears of rent, status quo shall be maintained till the disposal of the revision.

6. The writ petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

trp

To

1.The Deputy Commissioner,
Hindu Religious and Charitable Endowments,
Madurai.

2.Administrator, Arulmigu Bairagi Mutt, Madurai.

+1 CC to M/s.S.M.S.JOHNNY BASHA, Advocate SR-91516.

+1 CC to M/s.S.MANO HAR, Advocate SR-91669.

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