



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD)No.22881 of 2019

and

W.M.P. (MD) .No.19622 of 2019

M.Ganesan

... Petitioner

-Vs-

1.The Commissioner of HR & CE,
Office of the Hindu Religious & Charitable Endowments,
Nungambakkam, Chennai - 34.

2.The Joint Commissioner (HR & CE)
Sreenivasa Nagar,
Thiruvananthapuram,
Trichy-05.

3.The Executive Officer (HR & CE)
Arulmigu Ventakkallamman Temple,
Woraiyur, Trichy.

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Certiorari and Mandamus, to call for the entire records in M.P.No.148/2018 and order dated 29.07.2019 on the file of the 2nd respondent and quash the same as illegal and consequently direct the 1st respondent to consider the representation dated 16.08.2019.

For Petitioner	: Mr.B.Janath Ahmed
For Respondents	: Mrs.J.Padmavathy Devi
	Special Govt. Pleader for RR-1 & 2
	Mr.V.Chandrasekaran
	Standing Counsel for R-3

ORDER

This writ petition has been filed, challenging the order dated 29.07.2019, passed in M.P.No.148/2018, by the 2nd respondent and consequently to direct the 1st respondent to consider the representation dated 16.08.2019.



2.Heard Mrs.J.Padmavathy, learned Special Government Pleader, who takes notice for the respondents 1 & 2 and Mr.V.Chandrasekaran, learned Standing Counsel, who takes notice for the third respondent.

3.With the consent of both sides, this writ petition is disposed of at the admission stage itself.

4.The petitioner suffered an order of eviction at the hands of the Joint Commissioner of the Hindu Religious & Charitable Endowments Department in M.P.No.148/18, dated 29.07.2019. He made a representation to the Secretary, Hindu Religious & Charitable Endowments Department. As per Section 79(2) of the Hindu Religious & Charitable Endowments Act, 1959, the petitioner, for challenging the title of the respondent, has to file a suit to establish that the respondent has no title over the property. Without filing a suit, the writ petitioner cannot approach this Court for quashing the order.

5.When an alternative remedy of filing a suit is available, the present writ petition is not maintainable and the same is dismissed. However, it is open to the petitioner to approach the Civil Court, if he is so advised. Consequently, connected miscellaneous petition is also dismissed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

VS

To

1.The Commissioner of HR & CE,
Office of the Hindu Religious & Charitable Endowments,
Nungambakkam, Chennai - 34.

2.The Joint Commissioner (HR & CE)
Sreenivasa Nagar,
Thiruvananthi Koil,
Trichy-05.

+1 CC to M/s.B.JANATH AHMED, Advocate (SR-95378[F] dated 01/11/2019

W.P. (MD)No.22881 of 2019

30.10.2019

_KK/SAR/13.11.2019/2P-4C/