

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2020

CORAM

THE HONOURABLE **Dr. JUSTICE ANITA SUMANTH**

W.P.No.12095 of 2015

M.Shanmuga Bhattar

.. Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.

2.The Executive Officer / Joint Commissioner,
A/m.Subramaniaswamy Temple,
Thiruchendur.

3.M.V.Muthu Bhattar

4.M.Subramania Bhattar

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records relating to the proceedings of the 1st respondent dated 12.01.2015 made in A.P.No.36 of 2014 D2, quash the same and consequently quash the Order of the 2nd respondent dated 06.05.2014 made in Pro.Rc.1102/2014.

For Petitioner : Mr.T.S.Vijaya Raghavan

For Respondents : Mr.M.Karthikeyan (for R1)
Special Government Pleader

Mr.Sriram
for M/s.A.S.Kailasam & Associates (for R2)

Mr.Joseph Stalin
for Mr.V.Raghavachari (for R3 & R4)

ORDER

Heard Mr.T.S.Vijaya Raghavan, learned counsel for the petitioner and Mr.M.Karthikeyan, learned Special Government Pleader for the 1st respondent, Mr.Sriram, learned counsel for the 2nd respondent and Mr.Joseph Stalin for Mr.V.Raghavachari, learned counsel for R3 and R4.

2.An identical prayer has been raised by R3 and R4 in writ petition No.2331 of 2015 challenging the same order passed by the Commissioner, HR&CE Department, dated 12.01.2015 as is impugned in this order. By an order dated 02.02.2015, a learned single Judge of this Court has dismissed the writ petition relegating the petitioner therein, arrayed as R3 and R4 in this writ petition, to statutory remedy in terms of Section 17 of the Act. The petitioner states that he come to be aware of the dismissal of that writ petition only after approaching this Court.

3.Thus taking a holistic view of the matter, particularly since the suit filed by R3 and R4 is said to be pending before the Sub-Court, Thoothukudi, this

petitioner is also relegated to statutory remedy by way of civil suit in terms of Section 17 of the Act. Such suit, if instituted within a period of three weeks from today, shall be considered without reference to limitation and heard along with the suit filed by R3 and R4.

4.This writ petition is dismissed with liberty as above. No costs.

11.03.2020

vs

Note: Registry is directed to return the original order impugned in this writ petition along with this order to the petitioner.

Index: Yes / No

Speaking Order / Non Speaking Order

To

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.

2.The Executive Officer / Joint Commissioner,
A/m.Subramaniaswamy Temple,
Thiruchendur.

Dr. ANITA SUMANTH, J.,

VS



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W.P.No.12095 of 2015

DR. ANITA SUMANTH, J.,

This matter is listed today under the caption 'for clarification' in relation to order passed on 11.03.2020.

2. Mr.T.S.Vijayaraghavan, learned counsel for the petitioner states that the petitioner/Mr.Shanmuga Bhattar has passed away on 28.11.2019. In my order dated 11.03.2020, I have permitted the petitioner to avail statutory remedy in terms of Section 70 (erroneously and inadvertently stated as 17 in order dated 11.03.2020). Accordingly, Mr.Santosh Kumar, legal heir of Mr.Shanmuga Bhattar, will be entitled to the benefit of order dated 11.03.2020, including the availment of statutory remedy as aforesaid.

18.08.2020

Ska/sl