

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 31.01.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.2337 of 2020
and
W.M.P.No.2723 of 2020

S.Dakshinamoorthy ... Petitioner

Vs

1.The Commissioner
Hindu Religious and Charitable Endowments Department
Nungambakkam, Chennai-34

2.The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Sittharkadu, near Sambantham Kulam,
Mayiladudurai-609003

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department
Tanjavur Main Road, Near ST Hospital,
Kumabakonam,
Tanjavur district- 612001

4.The Executive Officer,
A/m Gowthameswarar Temple,
Kumbakonam Taluk and Town,
Tanjavur District 612001 ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records culminated in R.P.No.102/2019 D2 dated 03.01.2020 on the file of the 1st respondent, quash the same.

For Petitioner : Mr.R,.Ganeshkumar
for S.Madhana Chandran
For R1 & R2 : Mr.M.Karthikeyan
Special Government Pleader

ORDER

Learned counsel for the petitioner has drawn the attention of this Court to the order of the Commissioner HR&CE, Chennai,

who is the first respondent in this Writ Petition in order in R.P. No.102/2019 dated 03.01.2020. The present Writ Petition has been filed in the nature of a Certiorari, to quash the said order primarily on the ground that it was an Ex-parte order. This is also evident from a reading of the first few lines of the order. It is the claim of the petitioner that serious prejudice has been caused by the order directing eviction from the place of residence .

2.Mr.M.Karthikeyan, learned Special government Pleader, who had taken notice on behalf of the respondents states that the petitioner appeared on the first hearing date but thereafter, for three hearing dates the petitioner had not appeared. It is made clear that the petitioner invited the present order by his own conduct.

3.This Court is of the view that interest of justice would be met if an opportunity is granted to the petitioner to put forth his case.

4.Any order passed in the absence of proper hearing would certainly vitiate the said order. Accordingly, without entering into a discussion on the merits of the case, this Court is setting aside the order dated 03.01.2020 and a direction is issued to the first respondent to conduct a fresh hearing with respect to all the issues before him.

5.The first respondent may issue notice to the petitioner to appear for the first hearing on 17.02.2020 and thereafter, even if adjournments are granted, the petitioner must appear on the successive hearing dates. The first respondent may thereafter, pass final orders on or before 31.03.2020. However, if the petitioner/representative of the petitioner is not present for 3 consecutive hearings, then the first respondent is at liberty to pass final orders even in their absence.

6.With the above observations, the Writ Petition stands allowed. Consequently, connected miscellaneous petition is also closed.No Costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vsn

To

1.The Commissioner

Hindu Religious and Charitable Endowments Department
Nungambakkam, Chennai-34

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A/m Gowthameswarar Temple,
Kumbakonam Taluk and Town,
Tanjavur District 612001

+2cc to Mr.S.Madhana Chandran Advocate, S.R.No. 7536

+1cc to the Special Government Pleader(HR & CE), S.R.No. 7536

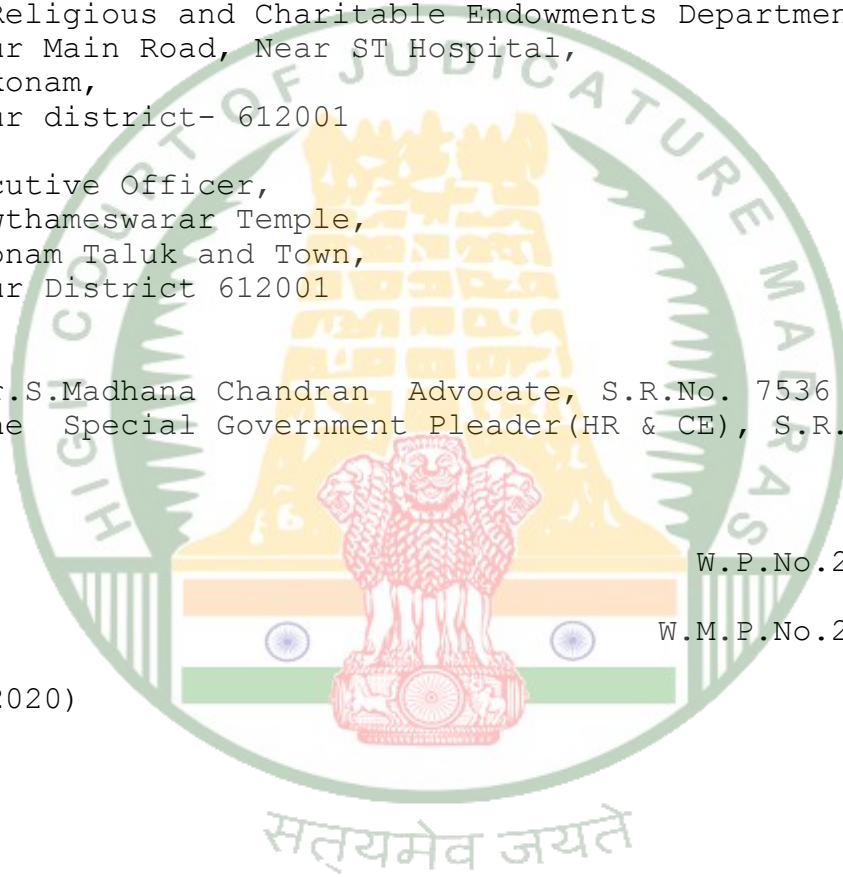
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and

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SV(CO)

GN(18/02/2020)



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