

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2020

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.4593 of 2020
and WMP.No.5449 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 609 003
3. The Assistant Commissioner
Hindu Religious and Charitable Endowments Department
Tanjavur Main Road Near ST Hospital
Kumbakonam Tanjavur Dist 612 001
4. The Executive Officer
A/o.Gowthameswarar Thirukoil Kumbakonam
Taluk and Town, Tanjavur Dist 612 001

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying Writ of Certiorari to call for the records culminated in R.P. No.103/2019 D2 dated 3.2.2020 on the file of the 1st respondent quash the same.

For Petitioner : Mr.S.Madhana Chandran

For Respondents : Mr.M.Karthikeyan,
Special Government Pleader

O R D E R

Heard Mr.Madhana Chandran, learned counsel for the petitioner and Mr.M.Karthikeyan, learned Special Government Pleader for the respondents.

2. The petitioner prays for a certiorari calling for the records in R.P.No.103 of 2019 and quashing of the impugned order dated 03.02.2020. The only ground agitated before me is the violation of principles of natural justice in so far as the impugned order has been passed without hearing him effectively.

3. Mr.Karthikeyan, learned Additional Government Pleader would fairly bring to my attention an order passed by this Court in W.P.No.2337 of 2020 relating to R.P.No.102 of 2019, inter se the same parties as before me now but relating to an adjoining piece of agricultural land. He would state that the facts and circumstances in the present case as in W.P.No.2337 of 2020 are identical.

4. By order dated 31.01.2020, this Court has taken the view therein that in the interests of justice, the matter should be heard de novo and final orders passed fixing time frame for the same.

5. In the interests of consistency, I thus set aside the present impugned order as well with similar directions to the first respondent to hear the petitioner and pass final orders.

6. As far as W.P.No.2337 of 2020 is concerned the order was passed on 31.01.2020 directing the petitioner to appear for the first hearing on 17.02.2020 and final order to be passed on or before 31.03.2020.

7. The time lines stipulated by this Court have clearly been ignored by the first respondent and the tentative submission of Mr.Karthikeyan that it was on account of Corona Pandemic is entirely misplaced. National lockdown was imposed only with effect from 22.03.2020 and thus did not stand in the way of the respondents complying with the orders of this Court. In fact, according to the petitioner, after an initial and preliminary hearing, no hearing notice has been issued in the matter at all. The Court does not appreciate the blatant disregard for order dated 31.01.2020.

8. In the light of the discussion as aforesaid, the following order is passed:

- (i) The petitioner/authorised representative will appear before the Commissioner on Friday, the 18th of September, 2020, at 10.30 a.m., without expecting any further notice in this regard, either through video conference or by way of physical hearing as may be mutually convenient to the parties for hearing of R.P.Nos.102 and 103 of 2019.

(ii) After hearing the petitioner, orders shall be passed in accordance with law within a period of eight (8) weeks from 18.09.2020, i.e., on or before 18.11.2020.

9. With the above directions, the writ petition is closed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner
Hindu Religious and Charitable Endowments Department
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2. The Joint Commissioner
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Taluk and Town, Tanjavur Dist 612 001.

+1cc to the Government Pleader, Sr.No.29155

सत्यमेव जयते

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