

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.02.2020

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THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.4927 of 2020
and
W.M.P.No.5832 of 2020

J.Annamalai ... Petitioner

..Vs..

- 1.The Commissioner,
Hindhu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.
 - 2.The Joint Commissioner,
Hindhu Religious and Charitable Endowments Department,
Collectorate Campus, Villupuram,
Villupuram District.
 - 3.The Assistant Commissioner,
Hindhu Religious and Charitable Endowments Department,
Collectorate Campus,
Villupuram, Villupuram District.
 - 4.The Executive Officer,
Arulmighu Lakshmi Narasimhasamy Thirukoil,
Parikkal Village, Ulundurpet Taluk,
Villupuram District.
- ... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned notice issued by the fourth respondent dated 19.02.2020 and quash the same and forbear the respondents from interfering with the affairs of the Villupuram Vallalar Arul Maligai, Samarasa Sutha Sanmarka Sathya Trust having office at No.265/770, Neruji Salai (East), Villupuram, 605 602 and its properties till the exhaustion of legal remedies provided under the Tamil Nadu Hindhu Religious and Charitable Endowments Act, 1959 by the petitioner.

For Petitioner : M/s.J.Lakshmi Narayanan
For Respondents : Mr.M.Karthikeyan
Special Government Pleader

ORDER

Mr.M.Karthikeyan, learned Special Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal, at the admission stage itself.

2.This matter is taken up for hearing by way of Lunch Motion.

3. In the affidavit filed in support of the writ petition, it is stated that the petitioner is aggrieved by the order of the second respondent dated 19.02.2020, directing the petitioner to vacate and hand over the possession of Office of the Managing Trustee of the Villupuram Vallalar Arul Maligai, Samarasa Sutha Sanmarka Sathya Sangam at Villupuram and hand over related documents to the fourth respondent. It is stated that the Assistant Commissioner/third respondent, Hindu Religious and Charitable Endowments Department, Villupuram District had appointed the fourth respondent as a fit person. Aggrieved thereby, the petitioner had approached this Court and had filed a Writ Petition, but the same was dismissed as withdrawn. Thereafter, the petitioner had filed a Revision Petition before the Joint Commissioner/second respondent. The said revision was dismissed by the second respondent on 27.01.2019. In the mean while, the fourth respondent issued the impugned notice dated 19.02.2020, calling upon the petitioner to hand over the possession and the related documents by 27.02.2020. Challenging the impugned order the present writ petition has been filed.

4.The learned counsel for the petitioner states that only 7 days had been given to the petitioner to vacate the office. It is stated that in case of objections by the existing trustees, with regard to handing over of possession, the proper remedy is to invoke Section 101 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. The learned counsel for the petitioner states that the impugned order was passed on 19.02.2020 and the petitioner had received a copy of the impugned order only on 21.02.2020.

5.Heard both sides and perused the materials available on record.

6. Without expressing any opinion on the merits of the case, protection is granted to the petitioner till 30.03.2020 from any coercive action and also direction is issued to the petitioner to file a regular appeal before the first respondent within a period of two weeks from the date of receipt of a copy of this order. The first respondent is directed to examine the case on the merits, depending on the facts and take a decision as to whether the protection needs to be extended or not.

With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner,
Hindhu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
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Parikkal Village, Ulundurpet Taluk,
Villupuram District.

+1cc to Mr.J.Lakshmi Narayanan , Advocate SR.No. 16988
+1 cc to Government Pleader Sr.No. 17398

W.P.No.4927 of 2020

A.SK(27/02/2020)