



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.8988 of 2020

WEB COPY

Sri Siddheswari Peedam,
Mounasamy Mutt, Courtallam,
Tenkasi Taluk & District,
Represented through its Power Agent,
N.V.R.C.Moorthy Raju.

... Petitioner

Vs.

The Commissioner,
Hindu Religious and Charitable Endowments Departments,
Nungambakkam, Chennai.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the respondent in Na.Ka.No.5413-2/2018/S.2 dated 07.03.2018 and quash the same and consequently direct the respondent to sanction permission to sell the property belongs to the Mutt by considering the request dated 18.11.2016 on merits and in accordance with law.

For Petitioner	: Mr.H.Arumugam
For Respondent	: Mr.R.Murugaraj, Government Advocate.

* * *

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

2. The writ petitioner is a mutt. The petitioner applied to the respondent seeking permission under Section 34 of Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 to sell the subject property. The said request has been rejected by the impugned order dated 07.03.2018. The impugned order merely states that there is no public interest in the proposal.

3. As rightly pointed out by the learned counsel appearing for the petitioner, the impugned order had been passed in a very cryptic manner. The reasons set out in the impugned order cannot be considered as a reason at all. The application was made way back on 18.01.2016. Some two years later, it was summarily rejected. In a case of this nature, the respondent ought to have heard the petitioner and permitted the petitioner to place relevant materials. In as much as the request of the petitioner had been dealt with in a most summary manner and proper reason has not been assigned, I am



constrained to interfere. The order impugned in this writ petition stands quashed.

4. This writ petition stands allowed. The matter is remitted to the file of the respondent to pass orders afresh in accordance with law. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

The Commissioner,
Hindu Religious and Charitable Endowments Departments,
Nungambakkam, Chennai.

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