



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2020

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD)No.10078 of 2020

and

W.M.P. (MD)Nos.8975 and 8976 of 2020

B.Sambandamoorthi

... Petitioner

Vs.

1.The Commissioner,
HR & CE Department,
Nungampakkam,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Thanjavur,
Thanjavur District.

3.T.Ramalingam

4.S.Vijayakumar

5.B.Senthil Kumar

6.R.Senthil Kumar

7.T.Velu

8.R.Radhakrishnan

9.N.Sankar

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in respect of order dated 10.04.2017 passed in O.A.No.5 of 2008 by the second respondent in respect of Thanjavur Karanthai Kulathumettu Arulmigu Ayyanarkoil and quash the same and declare the Thanjavur Karanthai Kulathumettu street people having all administrative rights over the Thanjavur Karanthai Kulathumettu Arulmigu Ayyanar Kovil.

For Petitioner

: Ms.S.Devasena

O R D E R

Heard the learned counsel appearing for the petitioner.

2.The petitioner questions the order dated 10.04.2017 passed by the second respondent in O.A.No.5 of 2008. By the impugned order, the second respondent had given a declaration under Section 63(b) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. Though the order was passed way back on 10.04.2017, the challenge has been mounted only now.

3.The petitioner's counsel would state that the petitioner was not aware of passing of the impugned order. The petitioner has raised certain questions regarding the jurisdiction of the Authority.

4.I am of the view that considering the factual nature of the dispute, the petitioner has to necessarily move the first respondent. This statutory remedy is very much available to the first respondent. Of-course, the petitioner has to explain delay. The first respondent is very much having the power to condone the delay also. If the explanation given by the petitioner is acceptable to the first respondent, certainly, the first respondent will condone the delay after issuing notice to the concerned parties and consider the case on merits.

5.Therefore, granting liberty to the petitioner to move the first respondent, the Writ Petition stands dismissed at the admission stage without notice to the respondents. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Deputy Registrar (LA&M)

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/ /2020

Sub Assistant Registrar(CS)

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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

1.The Commissioner,
HR & CE Department,
Nungampakkam,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Thanjavur,
Thanjavur District.

+1 CC to Mr.S. DEVASENA, Advocate (SR-15321[F]
dated 28/08/2020)

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26.08.2020

VB (02.09.2020) 3P 4C