



WEB COPY

W.P.(MD)No.13197 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.09.2020
CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD)No.13197 of 2020

and

W.M.P (MD).No.11055 of 2020

Maharajan

... Petitioner

Vs.

1.The Commissioner

Hindu Religious and Charitable Endowment
Endowment Board, Chennai

2.The Joint Commissioner

Hindu Religious and Charitable Endowment
Endowment Board, Madurai

3.The Assistant Commissioner

Hindu Religious and Charitable Endowment
Endowment Board, Madurai

4.Thakkar/Executive Officer

Arulmigu Baladandayudapani Temple
Madurai

5.The Fit Person

A/m.Malaiyandi Karuppasamy Thirukovil
Valayankulam
C/o.A/m. Dhandayutapani Thirukovil
Netaji Road, Madurai

6.Illayaraja

In his personnel capacity
Hindu Religious and Charitable
Endowment Board, Madurai

7.Mrs.Sakkarai Ammal (Thakkar)

(In her personnel capacity)
Arulmigu Baladandayudapani Temple
Madurai

8.The Secretary to Government,

Hindu Religious and Charitable Endowments Department,
Fort St. George, Chennai.

... Respondents

[R-8 is impleaded as suo-motu vide order dated 29.09.2020
in W.P. (MD)No.13197 of 2020]



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to call for the records in miscellaneous petition No.63/2017, dated 20.12.2017 in Na.Ka.No.1671/2017-1, A1/dated 09.09.2020 pending on the file of the Assistant Commissioner, HR & CE, Madurai consequentially quash the impugned order in Na.Ka.No.1671/2017-1, A1/dated 09.09.2020.

For Petitioner : Mr.R.Ravindra Ram
For R1 to R3 and R8 : Mr.K.P.Narayanakumar
Special Government Pleader

For R4 and R5 : Mr.C.Guhaseelarupan

O R D E R

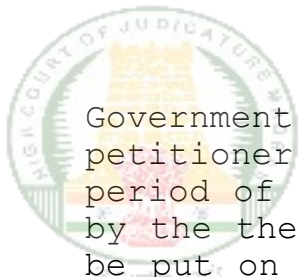
Heard the learned counsel on either side. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2.What is under challenge in the impugned communication dated 09.09.2020, wherein, it has been mentioned that the eviction proceedings will be carried out tomorrow (i.e., on 30.09.2020).

3.It is seen from the impugned communication that it is only a consequential order. R.P.No.43 of 2018 filed by the writ petitioner was dismissed by the Commissioner, H.R & C.E., on 10.02.2020. I wanted to know as to why the petitioner is challenging the consequential order without challenging the primary order. It appears that the copy of the said order had been despatched to the petitioner's chamber. On account of the out break of the COVID-19 pandemic, the counsel has not been able to access the advocate chambers. the petitioner's counsel informs the Court that till date, the said order dated 10.02.2020, has not been received.

4.Taking into account these special facts and circumstances, I called upon the learned Special Government Pleader appearing for the department to serve the copy of the order dated 10.02.2020 passed by the Commissioner in R.P.No.43 of 2018, on the counsel for the petitioner. The petitioner is at liberty to file a review under Section 114 of the Act before the Government on the strength of a photocopy of the order served on him. The learned Special Government Pleader states that he will serve the order copy within three days. The petitioner's counsel states that he will file a review before the Government within two weeks after such service.

5.The Secretary to Government, Hindu Religious and Charitable Endowments Department, Fort St. George, Chennai, is suo-motu impleaded as the eighth respondent in this writ petition. The



Government is directed to dispose of the review to be filed by the petitioner herein on merits and in accordance with law within a period of twelve weeks (12) thereafter. Till such disposal is made by the the Government, the order impugned in the writ petition will be put on hold. If the review is allowed, the impugned order will go automatically. If the review is dismissed, the impugned order will come back to life. If the petitioner fails to file a review within two weeks mentioned above, it is open to the third respondent to enforce the impugned order. In other words, the petitioner cannot enjoy the benefit of this order unless he files the review within two weeks from the date of service of the order passed by the Commissioner. The Secretary to Government, will straightaway entertain the review petition without reference to limitation and even though the petitioner is only enclosing the photocopy of the order.

6.The writ petition is disposed of on these terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sj1

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
Hindu Religious and Charitable Endowment
Endowment Board, Chennai
- 2.The Joint Commissioner
Hindu Religious and Charitable Endowment
Endowment Board, Madurai
- 3.The Assistant Commissioner
Hindu Religious and Charitable Endowment
Endowment Board, Madurai



4.The Secretary to Government,
Hindu Religious and Charitable Endowments Department,
Fort St. George, Chennai.

W.P. (MD) No.13197 of 2020
and

W.M.P (MD) .No.11055 of 2020

29.09.2020

NR (12.10.2020) 4P 5C

WEB COPY