



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.14507 of 2020

and

W.M.P (MD)No.12160 of 2020

WEB COPY

G.Mohan

... Petitioner

Vs

- 1.The Secretary to Government of Tamil Nadu,
Tourism, Culture and
Hindu Religious and Charitable Endowment Department,
Fort St.George,
Chennai - 600 009.
 - 2.The Commissioner
Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Salai
Nungambakkam,
Chennai.
 - 3.The Joint Commissioner
Hindu Religious and Charitable Endowment Department,
Madurai.
 - 4.The Assistant Commissioner
Hindu Religious and Charitable Endowment Department,
Madurai.
 - 5.The Joint Commissioner/Executive Officer,
Arulmigu Meenakshi Sundareswarar Temple,
Madurai.
- ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the impugned order passed by the fourth respondent vide his proceedings in Na.Ka.No.3070/2017-1Vu/Aa1, dated 01.10.2020 and quash the same as illegal.

For Petitioner : Mr.V.Angusamy

For Respondents 1 to 4 : Mr.M.Karuppasamy,
Government Advocate

For 5th Respondent : Mr.V.R.Shanmuganathan,
Standing counsel



ORDER

This writ petition has been filed challenging the consequential possession notice, dated 01.10.2020, issued by the fourth respondent under Section 79 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

2.W.M.P.No.12160 of 2020 has also been filed to grant interim stay of all further proceedings, pursuant to the impugned possession notice issued under Section 79 of the Tamil Nadu Hindu Religious and Charitable Endowments Act.

3. Heard Mr.V.Angusamy, learned counsel appearing for the petitioner, Mr.M.Karuppasamy, learned Government Advocate appearing for the respondents 1 to 4 and Mr.VR.Shanmuganathan, learned Standing counsel appearing for the fifth respondent.

4. By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

5.The impugned consequential possession notice, dated 01.10.2020 has been issued pursuant to the order, dated 15.06.2020, passed by the second respondent confirming the eviction order passed by the third respondent.

6.Today when the matter was taken up for admission, the learned Standing Counsel appearing for the fifth respondent Temple would submit that the possession of the shop has already been taken from the petitioner and hence, the writ petition has now become infructuous.

7. The learned Standing counsel appearing for the fifth respondent Temple drew the attention of this Court to the proceedings of the fifth respondent Temple, dated 14.10.2020 and would submit that possession has been taken only after complying with the statutory formalities under Section 79 of the Tamil Nadu Hindu Religious and Charitable Endowments Act.

8. The learned counsel for the petitioner would contend that the petitioner has not received the order, dated 15.06.2020, passed by the second respondent and therefore, the petitioner has not challenged the same by filing a revision before the first respondent under Section 114 of the Tamil Nadu Hindu Religious and Charitable Endowments Act. According to the petitioner, he came to know about the order dated 15.06.2020, only on receipt of the impugned possession notice, dated 01.10.2020, issued by the fourth respondent. Since the respondents have already taken possession of the petitioner's shop, the writ petition has now become



infructuous. However, the learned counsel for the petitioner seeks liberty to prefer the statutory revision under section 114 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, challenging the order, dated 15.06.2020, passed by the second respondent under section 21 of the Tamil Nadu Hindu Religious and Charitable Endowments Act. Since, it is the contention of the petitioner that he has not received the order dated 15.06.2020, passed by the second respondent, till date, liberty sought for by the learned counsel for the petitioner has to be granted.

9. Accordingly, this court dismisses the writ petition as infructuous. But, however, liberty is granted to the writ petitioner to challenge the order, dated 15.06.2020, passed by the second respondent before the first respondent under section 114 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, within a period of one week from the date of receipt of a copy of this order. If the revision is not filed within one week from the date of receipt of a copy of this order, the liberty granted by this Court shall stand automatically withdrawn. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

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 Secretary to Government of Tamil Nadu,
Tourism, Culture and
Hindu Religious and Charitable Endowment Department,
Fort St.George,
Chennai - 600 009.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Commissioner
Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Salai
Nungambakkam,
Chennai.

3.The Joint Commissioner
Hindu Religious and Charitable Endowment Department,
Madurai.

4.The Assistant Commissioner
Hindu Religious and Charitable Endowment Department,
Madurai.

+1 CC to Mr.A. BALAJI, Advocate (SR-20422[F] dated 16/10/2020)

+1 CC to SGP (SR-20553[F] dated 19/10/2020)

W.P. (MD)No.14507 of 2020
16.10.2020

CK(CO)
KM (03.11.2020) 4P 7C