



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.6001 of 2017

and

W.M.P (MD)No.4733 of 2017

WEB COPY

1.N.Ratnavel
2.G.Nataraja Subramanian ... Petitioners

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Government of Tamil Nadu,
Mahatma Gandhi Road,
Nungambakkam,
Chennai - 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Government of Tamil Nadu,
Mahatma Gandhi Road,
Nungambakkam,
Chennai - 600 034.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Government of Tamil Nadu,
Tuticorin - 628 002.

4.N.Radhakrishnan
5.Lakshmanan
6.M.Vairavel ... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to transfer the proceedings in O.A.No.1 of 2013 on the file of the second respondent to any other competent Joint Commissioner of Hindu Religious and Charitable Endowment Department for a free and fair hearing of the matter and speedy disposal in accordance with law.

For Petitioners : Mr.A.R.L.Sundaresan
for Ms.AL.Ganthimathi

For RR 1 to 3 : Mr.V.R.Shanmuganathan
Special Government Pleader

**ORDER**

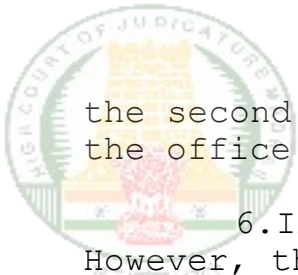
The petitioners have filed the present Writ Petition to issue a Writ of Mandamus, directing the respondents 1 and 2 to transfer the proceedings in O.A.No.1 of 213 on the file of the second respondent to any other competent Joint Commissioner of Hindu Religious and Charitable Endowment Department for a free and fair hearing of the matter and speedy disposal in accordance with law.

2. According to the petitioners, the lands comprised in Survey No.109/1, Kalloorani Village, Vilathikulam Taluk, Tuticorin District to an extent of 573.28 acres belonged to the ancestors of the petitioners and the sixth respondent and they are in possession and enjoyment of the same. Subsequent to the Government Orders and filing of the Writ Petition, the second respondent took up *suo motu* enquiry in O.A.No.1 of 2013 under Section 63 of the Tamil Nadu Hindu Religious and Charitable Endowments Act and issued notice calling upon the petitioners and the sixth respondent to appear before him so as to decide as to whether the lands in question were an Endowment under the HR & CE Act. The fifth respondent / Lakshmanan, who was the Joint Commissioner, HR & CE Department holding the office of the second respondent filed a counter-affidavit in W.P(MD) No.1788 of 2015 stating that the endowment was mismanaged and several extents of lands were alienated and the enquiry in O.A.No.1 of 2013 is now pending on his file. Alleging against the fifth respondent, the petitioner had apprehension that free and fair justice may not be available for the petitioners and sixth respondent, who conduct O.A.No.1 of 2013 pending before the second respondent. Therefore, they attribute bias against the fifth respondent, who was holding the second respondent's office. Hence, the petitioner has filed the present Writ Petition to transfer the proceedings in O.A.No.1 of 2013 from the file of the second respondent to any other competent Joint Commissioner.

3. Mr. VR. Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 to 3 submitted that at the time of filing the Writ Petition, the petitioner made an allegation against the fifth respondent, who was holding the second respondent office. Now, due to distance of time, the aforesaid Lakshmanan was now transferred and presently one Paranjothi is holding the office of the second respondent. Therefore, at this stage, there is no orders are required in the Writ Petition and appropriate orders may be passed.

4. Heard the learned counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents 1 to 3.

5. Recording the submissions made by the learned Special Government Pleader and also considering the fact due to change of the officers, this Court is of the view that there is no need to adjudicate the matter further for the allegation made by the



the second respondent and new incumbent namely Paranjothi is holding the office of the second respondent.

6. In view of the above, the Writ Petition stands dismissed. However, the second respondent is directed to dispose of O.A.No.1 of 2013 as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Deputy Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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.

Ps

To

1. The Commissioner,
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Order made in
W.P. (MD) No.6001 of 2017
05.08.2020

KK (14.08.2020) 3P 4C