



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE S.KANNAMMAL

W.A.No.997 of 2021
and C.M.P.No.6225 of 2021

T.M.Babu @ Ramanujam ...Appellant/3rd Petitioner
Vs

1. The Executive Officer,
Arulmighu Vedagiriswarar Temple,
Thirukazhukundram,
Kancheepuram District.

2. The Joint Commissioner,
H.R&C.E Department,
Vellore - 9.

3.N.V.Sambandam

4.N.P.Vinayakasundaram ...Respondents/Petitioner 1&2

Appeal filed under Clause 15 of Letters Patent against the order dated 28.02.2020 made in W.P.No.18229 of 2013.

Prayer in WP. No. 18229 of 2013: Writ petition filed under Article 226 of the Constitution of India for the issuance of writ of certiorari to call for the records in respect of the order No.Se.Mu.Nada.Na.Ka.7606/2010/E1, dated 19.04.2013 issued by the 2nd respondent, quash the same.

For Appellant : Ms.G.Selvi George

For Respondents : Mr.R.Bharanidharan for R1
Mr.D.Ravichander
Government Counsel
for R2

JUDGMENT

(Delivered by M.M.SUNDRESH, J.)

This appeal has been preferred against the order of the learned Single Judge who, upon taking note of the arguments on merit, dismissed the writ petition upholding the order of



eviction passed under Section 78 of the Hindu Religious and Charitable Endowments Act, 1959.

2. After making submissions on merit, learned counsel appearing for the appellant submitted that permission may be granted to file a revision before the Commissioner of H.R. and C.E., Department under Section 21 of the H.R. & C.E. Act.

3. Learned counsel appearing for the first respondent submitted that it is the appellant who warranted the finding and therefore, there is no need for any indulgence.

4. Upon hearing the arguments, we deem it appropriate to give an opportunity to the appellant to exhaust the alternative remedy provided under the statute. Once we hold so, we have to consider two aspects, namely, application of Section 14 of the Limitation Act and the findings rendered by the learned Single Judge on merit. This, we are inclined to consider, particularly when the appellant has already been dispossessed. Therefore, in order to facilitate the appellant to exhaust the alternate remedy, we are inclined to grant another four weeks from the date of receipt of a copy of this judgment to do so. As and when it is done, within the time period mentioned above, the same will have to be entertained by the Authority concerned without recourse to the question of limitation and in which case, the findings rendered by the learned Single Judge leading to the dismissal of the writ petition will not stand in the way meaning thereby the subject matter will have to be considered on its own merit and in accordance with law.

5. The writ appeal stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The Executive Officer,
Arulmighu Vedagiriswarar Temple,
Thirukazhukundram,
Kancheepuram District.



2. The Joint Commissioner,
H.R&C.E Department,
Vellore - 9.

3. The Commissioner,
H.R&C.E Department,
Vellore - 9.

+1 CC to Mrs.Selvi George, Advocate, Sr 39346.
+1 CC to The Government Pleader, Sr 39154.

W.A.No.997 of 2021

SPD(CO)
LS(24/08/2021)