

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2021

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.1805 of 2021

R.Muthuswamy

... Petitioner

Vs.

1. Government of Tamil Nadu,
rep. by Principal Secretary of Commissioner,
Hindu Religious and Charitable Endowment Department,
Fort St. George, Madras.
 2. The Commissioner,
Hindu Religious and Charitable Endowment Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam High Road,
Chennai 600 076.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the 2nd Respondent in No.Se.Mu.Na.Ka.No.1649/2020/J2(1), dated 16.06.2020 and quash the same.

For Petitioner : Mr.V.Prakash, Senior Counsel
for Mr.S.R.Bubala Chandran

For Respondents : Mr.M.Karthikeyan,
Special Government Pleader

ORDER

Petitioner has come up with this Writ Petition seeking to quash the proceedings dated 16.06.2020 passed by the 2nd Respondent vide No.Se.Mu.Na.Ka.No.1649/2020/J2(1).

2. The only issue that arises for consideration in this Writ Petition is that, without giving an opportunity of hearing to the Petitioner, the 2nd Respondent has passed the order impugned in this Writ Petition.

3. Learned counsel for the Petitioner submitted that, even though Section 21 of the Tamil Nadu Hindu Religious and

Charitable Endowments Act, 1959 (in short 'the Act') empowers the Commissioner/2nd Respondent herein, to interfere with the order of his subordinates and grant interim order during the pendency of any proceedings, in terms of Section 21(5) of the Act, opportunity of hearing has to be given to persons, who are likely to be affected and thereafter, a decision has to be taken.

4. Admittedly, in the case on hand, the Petitioner was not given an opportunity of personal hearing.

5. Learned Special Government Pleader appearing for the Respondents fairly submitted that, there is violation of Section 21(5) of the Act. However, he submitted that liberty may be given to the Respondent/Department to proceed further if they are so advised, in accordance with the provisions of law.

6. Taking note of the fact that, the Petitioner was not given an opportunity of hearing and that, there is violation of Section 21(5) of the Act, the order impugned in this Writ Petition is interfered with and the matter is remitted to the Authority for fresh consideration, in accordance with law.

7. It is open to the Respondent/Department to proceed afresh, if they are so advised to do so and in case of initiation of any further proceedings pursuant to the order in this Writ Petition, a decision shall be taken in accordance with law, as expeditiously as possible, after affording an opportunity of personal hearing to the Petitioner.

The Writ Petition is allowed with the above direction and observation. Consequently, connected W.M.P.Nos.2013 and 2015 of 2021 are closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

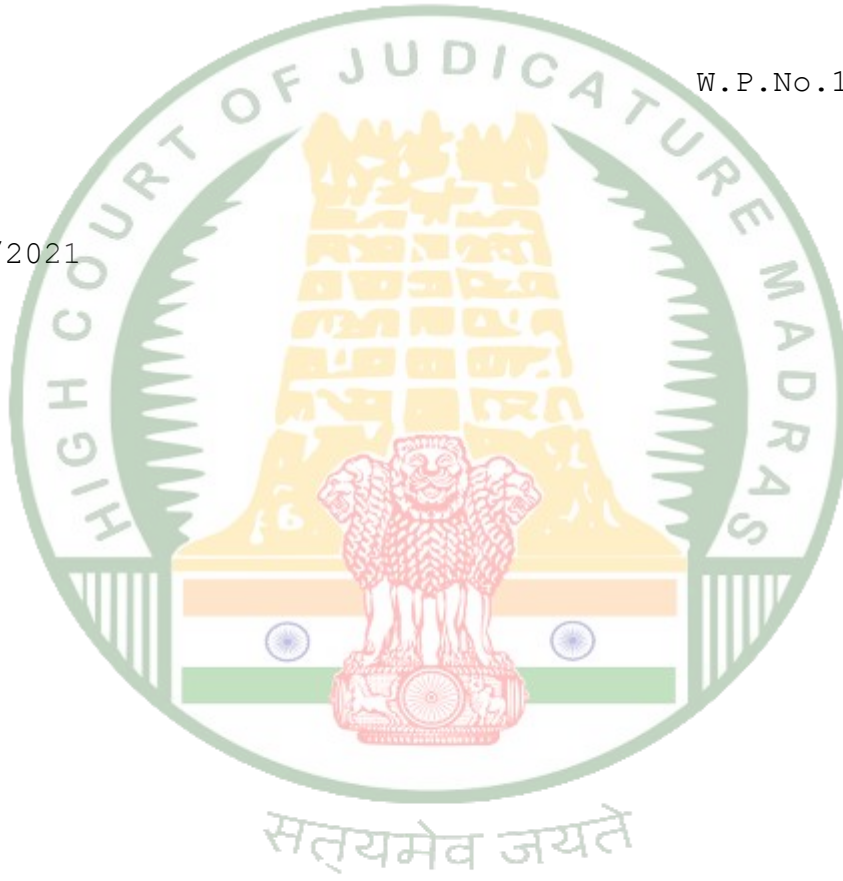
1. The Principal Secretary of Commissioner,
Government of Tamil Nadu,
Hindu Religious and Charitable Endowment Department,
Fort St. George, Madras.

2. The Commissioner,
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No.119, Uthamar Gandhi Salai,
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+lcc to Mr.S.R.Bubalachandran, Advocate Sr.5117
+lcc to the Government Pleader Sr.5784

W.P.No.1805 of 2021

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srg 19/02/2021



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