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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2021

CORAM

THE HON'BLE Mr.JUSTICE M.SUNDAR

W.P.No.17699 of 2015

and

MP.No.1 of 2015

Jayabal
S/o.Gurunathan

... Petitioner

-Vs.-

- 1.The Joint Commissioner,
Hindu Religious and Endowment Department,
Mayiladuthurai, Nagapattinam District.
- 2.The Assistant Commissioner,
Hindu Religious and Endowment Department,
Kumbakonam, Thanjavur District.
- 3.The Deputy Commissioner Cum Executive Officer,
A/m Swaminatha Koil Thirukoil Swamimalai,
Kumbakonam Vattam,
Thanjavur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of 1st respondent in his proceedings Mayiladuturai Mandalam Arivippu No.265/2014/E1 dated 30.12.2014 and quash the same.

For Petitioner : Ms.H.Kavitha
for Mr.S.Sounthar

For Respondents : Mr.NRR.Arun Natarajan
Government Advocate for HR & CE

O R D E R

Ms.H.Kavitha, learned counsel representing the counsel on record for the lone writ petitioner is before this virtual Court.

2. A 'notice dated 30.12.2014' (hereinafter 'impugned



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notice' for the sake of convenience) issued by first respondent under Section 78(2) of the 'Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Act 22 of 1959)', which shall hereinafter be referred to as 'TN HR & CE Act' for the sake of convenience and clarity, has been called in question in the captioned writ petition.

3. Mr.NRR.Arun Natarajan, learned State counsel for respondents is before this virtual Court.

4. Be that as it may, as impugned notice under Section 78(2) of TN HR & CE Act, learned counsel for writ petitioner very fairly submitted that he will withdraw the captioned writ petition, but his rights to raise these objections before the first respondent may please be preserved, if the proceedings are still pending before the first respondent or in other words, if the proceedings have not been carried to its logical end before first respondent. Learned counsel sent an electronic mail with a Memo to this Court, scanned reproduction of which is as follows:





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IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Appellate side Jurisdiction)

W.P. 17899 of 2015

Jayshel

Vs.

Petitioner

The Joint Commissioner, HRCE and 2 others

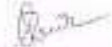
Respondents

Memo filed by Counsel for Petitioner

The Petitioner above named submits that the above Writ Petition may be dismissed as withdrawn with liberty to raise all objections raised in the Writ Petition before the 1st respondent.

Therefore it is prayed that this Hon'ble court may be pleased to dismiss the above Writ Petition as withdrawn without costs with liberty to raise all objections raised in the Writ Petition before the 1st respondent and thus render justice.

Filed at Chennai on this 2nd day of August 2021


Counsel for Petitioner

5. Learned counsel representing the counsel on record for writ petitioner reiterates the contents of aforementioned Memo.

6. In the light of the reiteration, captioned writ petition is dismissed as withdrawn albeit preserving the rights of the writ petitioner to raise all objections before first respondent (in response to the impugned notice) including all questions that have been raised in the instant writ petition. In other words, all questions raised in this writ petition are left open. Though obvious, it is made clear that no opinion or view has been expressed on the merits of the matter in this order. There shall be no order as to costs. Consequently, connected MP is also closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar



kmi

To

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1. The Joint Commissioner,
Hindu Religious and Endowment Department,
Mayiladuthurai, Nagapattinam District.
2. The Assistant Commissioner,
Hindu Religious and Endowment Department,
Kumbakonam, Thanjavur District.
3. The Deputy Commissioner Cum Executive Officer,
A/m Swaminatha Koil Thirukoil Swamimalai,
Kumbakonam Vattam,
Thanjavur District.

+1cc to the Government Pleader, S.R.No.44670

W.P.No.17699 of 2015 and
MP.No.1 of 2015

KSM(CO)
CT(22/09/2021)