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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MS.JUSTICE R.N.MANJULA

W.A.No.2530 of 2018
and C.M.P.No.20430 of 2018

1.Tej Raj
2.Leela Bai
3.T.Praveen Kumar
4.T.Vinoth Kumar .. Appellants

Vs

1. The Commissioner,
   Hindu Religious & Charitable Endowment Board,
   Chennai - 600 034.

2. The Joint Commissioner,
   Hindu Religious & Charitable Endowment Board,
   Chennai - 600 034.

3. The Executive Officer,
   Arulmighu Ekambareswarar Thirukoil,
   Office at Temple Premises,
   Aminjikarai, Chennai - 600 029. .. Respondents

Appeal filed under Clause 15 of Letters Patent against the order dated 03.05.2018 made in W.P.No.11728 of 2018.

Prayer in W.P.No.11728 of 2018 :

Writ Petition filed under Article 226 of the Constitution of India, Praying for a writ of Certiorarified Mandamus Calling for the records relating to the Show Cause Notice issued under Section 78(2) of the Tamil Nadu Hindu Religious and Charitable Endowment Act in M.P. No.8/2018/A3 dated 27.02.2018 by the 2nd respondent and quash the same as illegal improper unreasonable, arbitrary and against the principles of natural justice and consequently forbearing the respondents from interfering with the peaceful possession and enjoyment of the petitioner property situated at No.11 North Kasar Thottam Road, Aminjikarai, Chennai-29.

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For Appellant : Mr.A.Rajesh kanna

For Respondents : Mr.S.Arumugam,
Government Counsel for R1 & R2
Mr.D.R.Sivakumar for R3

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

What is challenged before us is the show cause notice issued. The learned Single Judge rightly dismissed the writ petition declining to go into the merits by invoking Article 226 of the Constitution of India.

2.Learned Government counsel appearing for respondents 1 and 2 submitted that the appellant is liable to pay huge amount.

3.Suffice it to state that we do not find any merit in this appeal as there is neither lack of jurisdiction nor malice in law being the two factors for entertaining the writ petition against the show cause notice.

4.Taking into consideration the long pendency of the proceedings, we direct the second respondent to conclude the same, within a period of eight weeks from the date of receipt of a copy of this judgment. It is open to the appellant to give further explanation within a period of two weeks from the date of receipt of a copy of this judgment, if so advised.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The Commissioner,
Hindu Religious & Charitable Endowment Board,
Chennai - 600 034.

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2. The Joint Commissioner,
   Hindu Religious & Charitable Endowment Board,
   Chennai - 600 034.

3. The Executive Officer,
   Arulmighu Ekambareswarar Thirukoil,
   Office at Temple Premises,
   Aminjikarai, Chennai - 600 029.

+1cc to the Government Pleader, S.R.No.35732

W.A.No.2530 of 2018

SS(CO)
HS(23/08/2021)

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