



W.P. (MD) No. 663 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2022

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 663 of 2020
and
W.M.P.(MD)Nos. 490 & 491 of 2020

C.Nagaraj

... Petitioner

Vs.

- 1.The Joint Commissioner,
H.R. & C.E. Department,
Madurai.
- 2.The Assistant Commissioner,
H.R. & C.E. Department,
Dindigul.
- 3.The Inspector,
H.R. & C.E. Department,
Periyakulam,
Theni District.
- 4.The Executive Officer,
Arulmigu Kambaraya Perumal Thirukoil,
Cumbum,
Uthamapalayam Taluk,
Theni District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records pertaining to the order passed by the 2nd respondent in M.P.1504/2018 on 28.8.2019 and quash the same and consequently forbear the respondents herein from in anyway interfering with the peaceful possession and enjoyment of property in Theni District, Uthamapalayam Taluk, Cumbum and the land belongs to Arulmigu Kambaraya perumal Thirukoil in S.F.No.769 in D.No.16 over an extent of 1598 sq.feet.

For Petitioner	: Mr. G.Prabhu Rajadurai
For R-1 to R-3	: Mr. VR.Shanmuganathan
For R-4	: Mr. C.Guhaseelarupan

ORDER

Heard Mr. G.Prabhu Rajadurai, Learned Counsel for the Petitioner, Mr. VR.Shanmuganathan, Learned Counsel, Learned Counsel for the First to Third Respondents and Mr. C.Guhaseelarupan, Learned Counsel for the Fourth Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. When it was pointed out that the Petitioner has got an effective alternative remedy to challenge the Order in M.P. No. 1504 of 2018 dated



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28.08.2019 passed by the Second Respondent, which is impugned in this Writ Petition, by filing a revision under Section 21 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition with liberty to resort to the aforesaid procedure and he has made an endorsement to that effect in the court record.

In view of the same, the Writ Petition is dismissed as withdrawn, granting such liberty. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 08.01.2020, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. Consequently, the connected Miscellaneous Petitions are closed. No costs.

08.12.2022

Index : Yes/No

Internet : Yes/No

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Note: (i) Issue order copy by 22.12.2022.

(ii) Registry is directed to return the original copy of the impugned order under written acknowledgment after retaining a copy of the same for record.

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TO:

WEB COPY

- 1.The Joint Commissioner,
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Madurai.
- 2.The Assistant Commissioner,
H.R. & C.E. Department,
Dindigul.
- 3.The Inspector,
H.R. & C.E. Department,
Periyakulam,
Theni District.



WEB COPY



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P.D.AUDIKESAVALU,J.

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