



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.04.2022
CORAM

THE HONOURABLE MR. JUSTICE C.SARAVANAN

WEB COPY

Writ Petition (MD) No.745 of 2022
and
W.M.P. (MD) No.588 of 2022

N.Ayyappan,
President,
Manchadiamman Temple,
Krishna Vagai Samudhayam,
Soorappallam Pidagai .. Petitioner
[Cause title amended vide order dated 21.02.2022,
in W.M.P. (MD) No.1198 of 2022]

Versus

- 1.The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam, High Road,
Chennai - 34.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Tirunelveli.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Nagercoil.
Kanniyakumari District.
- 4.The Inspector,
Hindu Religious and Charitable Endowments,
Nagercoil West,
Kanniyakumari District.
- 5.The Executive Officer,
Arulmigu Isakki Amman Thirukkoil,
Muppandal (East), Aralvaimozhi.

6.G.Vishnu .. Respondents
[R6 impleaded vide order dated 21.02.2022, in
W.M.P. (MD) No.2031 of 2022]

Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Certiorari, to call for the
records relating to the impugned order dated 06.01.2022, passed by
the fifth respondent and quash the same.



For Petitioner : Mr.C.Robert Bruze
For R1 to R4 : Mr.P.T.Thiraviam
Government Advocate
For R5 : Mr.T.Lajapathi Roy
For R6 : Mr.M.Vivekkumar

ORDER

The petitioner has challenged the impugned communication of the fifth respondent, dated 06.01.2022, intimating the appointment of the Fit Person by the third respondent, by order dated 23.08.2021.

2.It is the specific case of the petitioner that the order appointing the Fit Person on 23.08.2021 has not been served on him and therefore, the consequential order of the fifth respondent is liable to be quashed.

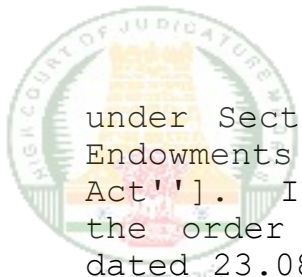
3.The facts on record indicate that earlier a Writ Petition was filed by the sixth respondent - G.Vishnu in W.P.(MD)No.13344 of 2020. By order dated 08.02.2021, the said Writ Petition was disposed of by directing the third respondent herein, who was the third respondent therein, to consider and pass appropriate orders on the complaint of the sixth respondent, dated 29.08.2019. Thereafter, two notices were issued on 09.04.2021 and 27.04.2021 by the fourth respondent, which came to be challenged by the petitioner in W.P. (MD)No.15996 of 2021. By order dated 08.09.2021, the said Writ Petition was also disposed of by permitting the petitioner to submit explanation or raise objection to the impugned notices within a period of two weeks from the date of receipt of a copy of the above said order.

4.It is pursuant to the above exercise, an order has been passed by the third respondent on 23.08.2021, vide proceedings bearing Na.Ka.No.4076/2021/A2. The petitioner has submitted that the content of the enquiry held pursuant to the order passed in W.P. (MD)No.15996 of 2021, is not reflected in the impugned order of the fifth respondent and therefore, the impugned order is liable to be quashed. It is further submitted that the respondents have also not furnished the copy of the order of the third respondent and therefore, the present Writ Petition has been filed.

5.I have considered the arguments advanced by the learned counsel on either side and perused the records.

6.The petitioner has alternate remedy before the Commissioner

<https://hcservices.ecourts.gov.in/hcservices/>



under Section 21 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 [hereinafter referred to as 'the H.R. & C.E. Act']]. If it is the complaint of the petitioner that the copy of the order of the third respondent bearing Na.Ka.No.4076/2021/A2, dated 23.08.2021, has not been served on him, it is open for him to file a statutory appeal/revision under Section 21 of the H.R. & C.E. Act, by acquiring a copy of the same. There are no records to show that the petitioner has made an attempt to get a copy of the above said order. Be that as it may, I direct the official respondents to furnish a copy of the said order to the petitioner within a period of 15 days from the date of receipt of a copy of this order. The petitioner shall thereafter, if advised, file revision/appeal under Section 21 of the H.R. & C.E. Act, within a period of 30 days. The interim order as in force as on date shall remain in force for a period of 45 days thereafter, provided, the petitioner files the statutory appeal within the time specified above along with the miscellaneous petition for extension of interim order. The Commissioner may consider the request of the petitioner for extending the interim order on merits till the disposal of the appeal.

7.This Writ Petition is dismissed with the above observation. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

smn2

To

- 1.The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam, High Road,
Chennai - 34.
- 2.The Joint Commissioner,
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- 3.The Assistant Commissioner,
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Nagercoil.
Kanniyakumari District.



4.The Inspector,
Hindu Religious and Charitable Endowments,
Nagercoil West,
Kanniyakumari District.

+1 CC to M/s.SPL.GP (SR-17841[F] dated 11/04/2022)

+1 CC to M/s.F. DEEPAK, Advocate (SR-17667[F] dated 11/04/2022)

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-18024[F] dated
12/04/2022)

+1 CC to M/s.M. VIVEKKUMAR, Advocate (SR-18239[F] dated
12/04/2022)

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RD(26.04.2022) 4P 9C