



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P (MD) .No.2734 of 2022

and

W.M.P (MD) .No.2420 of 2022

S.Muruganandham

... Petitioner

Vs .

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai-34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Niligireeswararthoppu,
Teppakula Street,
Thiruvanaikovil,
Trichy District.

3.Arulmigu Madurai Kaliyamman Thirukovil,
Through its Executive Officer,
Thottiyam Taluk,
Trichy District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to third respondent proceedings made in notice dated 31.01.2022, quash the same, and further direct him to pass appropriate orders on petitioner's objection dated 30.06.2020, as directed by this Court within a stipulated period as may be fixed by this Court.

For Petitioner : Mr.R.Sundar

For R1 & R2 : Mr.P.T.Thiraviam
Government Advocate

For R3 : Mr.P.Athimoolapandian



ORDER

This writ petition has been filed for Certiorari and Mandamus to call for the records relating to third respondent proceedings made in notice dated 31.01.2022, quash the same, and further direct him to pass appropriate orders on petitioner's objection dated 30.06.2020.

2. After hearing the learned counsel for the petitioner and the respondents, this writ petition is being disposed of at the time of admission.

3. The learned counsel for the respondents submits that the present writ petition is misconceived and the petitioner has an alternate remedy under Sub Section 3 of Section 34 A of the Act. It is noticed that earlier an order dated 05.03.2020, was passed in W.P (MD).No.74980 of 2018. The respondents were directed to give a calculation to the petitioner. The petitioner was thereafter entitled to file a reply and thereafter appropriate orders were to be passed.

4. The third respondent has partly complied with the aforesaid directions by issuing notice and by giving calculations to the petitioner. The petitioner has also complied with the requirements of the aforesaid order by filing an objection and rejoinder to the reply of the respondents. The third respondent has however proceeded to issue the notice as if the petitioner is liable to pay a sum of Rs.8,83,519/- without proper adjudication.

5. Though the arguments advanced by the learned counsel for the respondent is attractive in the light of express proviso under Section 34 A (3) of the Act, I am inclined to dispose this writ petition by directing the third respondent to pass an appropriate order in terms of the aforesaid order of this Court dated 05.03.2020, as both the petitioner and the respondents have accepted the said order.

6. Considering the same, I direct the third respondent to pass an appropriate order within a period of four weeks from the date of receipt of copy of this order in terms of order dated 05.03.2020 in W.P.(MD).No.7498 of 2018 filed by the petitioner which came to be disposed of along with other six other writ petitions. It is made clear that in case the petitioner is aggrieved by such order that is to be passed by the third respondent, the petitioner has to work out appropriate remedy only in accordance with the provision of the Act and not by way of writ petition.



7. The Writ Petition is disposed of with the above direction. Consequently, the connected Miscellaneous Petition is closed. No costs.

WEB COPY

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai-34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Niligireeswararthoppu,
Teppakula Street,
Thiruvanaikovil,
Trichy District.

+1 CC to M/s.SPL.GP (SR-5677[F] dated 11/02/2022)

W.P(MD) .No.2734 of 2022
10.02.2022

RD(01.03.2022) 3P 4C