



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.05.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P(MD)No.10495 of 2022

and

W.M.P(MD)No.7604 of 2022

Mr.Rajendra Rao ... Petitioner
vs.

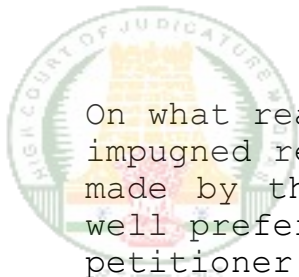
- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thoothukudi.
- 3.The Assistant Commissioner/Executive Officer,
Arulmigu Thirukkuttralanathaswamy Temple,
Courtallam, Tenkasi District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order of return passed by the 2nd respondent dated 11.05.2022 in Unnumbered I.A.No. of 2022 in M.P.No.74 of 2021 and quash the same and consequently direct the 2nd respondent to number the Unnumbered I.A.No. of 2022 in M.P.No.74 of 2021 filed by the petitioner seeking to fix the fair rent as per the Circular issued by the 1st respondent in Na.Ka.No.4551/2022/M2, dated 10.03.2022.

For Petitioner : Mr.R.J.Karthick
For R1 & R2 : Mr.S.Shaji Bino
Special Government Pleader
For R3 : Mr.M.Ramesh

O R D E R

The petitioner filed an Interlocutory Application in pending Miscellaneous Petition No.74/2021 before the 2nd respondent/Joint Commissioner, HR & CE, in the matter of P.L.Rajendra Rao vs. Assistant Commissioner/Executive Officer, Arulmigu Thirukkuttralanathaswamy Temple, Courtallam, Tenkasi District/3rd respondent.



On what reason that is not maintainable, is clearly spelt out in the impugned return endorsement. As against the said return endorsement made by the Joint Commissioner, HR & CE, the petitioner can very well prefer an appeal before the Commissioner, HR & CE, instead, the petitioner since has come before this Court, after hearing the learned counsel for the petitioner as well as the learned Special Government Pleader for the respondents 1 and 2 and the counsel for the 3rd respondent, this Court is inclined to dispose of this writ petition with the following order:-

The petitioner is hereby relegated to go before the appellate authority namely, 1st respondent/Commissioner, HR & CE and to file an appeal against the return endorsement made by the office of the 2nd respondent/Joint Commissioner, HR & CE. Once such appeal is made, the same may be entertained and decided on merits by the 1st respondent/Commissioner, HR & CE, in the manner known to law.

3. With this observation and direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Vacation Officer

// True Copy //

28/05/2022

Sub Assistant Registrar(CS)

bala/smn2

To

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thoothukudi.
- 3.The Assistant Commissioner/Executive Officer,
Arulmigu Thirukkutralanathaswamy Temple,
Courtallam, Tenkasi District.

Copy to:

The Section Officer,V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

(Registry is directed to return the original impugned order to the learned counsel on record after getting due acknowledgment and retaining photocopy of the same)

+1 CC to M/s.R.J. KARTHICK, Advocate (SR-24183[F] dated
27/05/2022)

W.P(MD)No.10495 of 2022

27.05.2022