



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.03.2022
CORAM

THE HONOURABLE MR. JUSTICE C.SARAVANAN

WEB COPY

Writ Petition (MD) No.18212 of 2019
and
W.M.P. (MD) No.14657 of 2019

P.Murugesan

.. Petitioner

Versus

1.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowments
Department,
Myladuthurai,
Nagapattinam District.

2.The Assistant Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowments
Department,
Kumbakonam,
Thanjavur District.

3.The Assistant Commissioner/Executive Officer,
Sri Arulmighu Naganatha Swamy Temple,
Thirunageswaram,
Kumbakonam Taluk,
Thanjavur District.

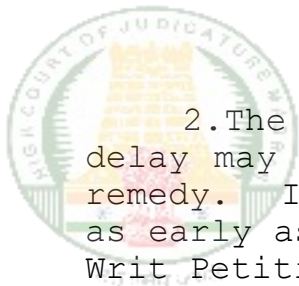
.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in his proceedings in Miscellaneous Petition No.01/2013, dated 24.05.2019, quash the same and consequently, direct the respondents do not disturb the petitioner's peaceful possession and enjoyment of the property in Survey No.70/7A and 70/2A situated at Thirunageswaram Village, Kumbakonam Taluk, Thanjavur District.

For Petitioner	:	Mr.G.Gomathi Sankar
For R1 and R2	:	Mr.P.Subbaraj Special Government Pleader
For R3	:	Mr.V.Chandrasekar

ORDER

The learned counsel for the petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to work out alternate remedy under Section 21 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 [hereinafter referred to as 'the H.R. & C.E. Act'].



2.The learned counsel for the petitioner however prays that the delay may be condoned for the petitioner to work out the aforesaid remedy. It is noticed that the petitioner has filed Writ Petition as early as 14.08.2019. The impugned order is dated 24.05.2019. The Writ Petition is pending all these years.

WEB COPY

3.Considering the aforesaid facts, liberty is granted to the petitioner to work out his remedy by filing appropriate application before the Commissioner under Section 21 of the H.R. & C.E. Act, within a period of 30 days from the date of receipt of a copy of this order. If the petitioner files such application within such time, the Commissioner shall pass orders on merits and in accordance with law.

4.The petitioner is, however, directed to pay rent for use and occupation of the converted property, that may be fixed and intimated by the Assistant Commissioner. Eviction proceedings shall be kept in abeyance, pending such proceedings.

5.With the above directions, this Writ Petition is dismissed as withdrawn with liberty as prayed for. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

smn2

To

1.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowments
Department,
Myladuthurai,
Nagapattinam District.

2.The Assistant Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowments
Department,
Kumbakonam,
Thanjavur District.

3.The Assistant Commissioner/Executive Officer,
Sri Arulmighu Naganatha Swamy Temple,
Thirunageswaram,

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



Kumbakonam Taluk,
Thanjavur District.

+1 CC to M/s.G.GOMATHI SANKAR, Advocate (SR-10665[F] dated
08/03/2022)

WEB COPY

+1 CC to M/s.SPL.GP (SR-10953[F] dated 09/03/2022)

Writ Petition (MD) No.18212 of 2019
08.03.2022

KG (CO)

KB (21.03.2022) 3P 6C