



W.P. (MD) No. 7134 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2022

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. (MD) No. 7134 of 2018

and

W.M.P. (MD) No. 6870 of 2018

G.Murugesan

... Petitioner

-VS-

1. The Assistant Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowment Board,
Madurai.
2. The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowment Board,
Madurai.
3. The Executive Officer,
Arulmigu Balathandayuthapani Swami Temple,
Nethaji Road, Madurai.
4. Mr. Radha Krishnan

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the First Respondent vide his proceedings CHE.MU.NA.KA.No.949/2009/E3 dated 02.03.2018, quash the same.



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For Petitioner : Mr. M.Mahaboob Athiff

For Respondents : Mr. P.Subbaraj
Special Government Pleader for R1 & R2
Dr. C.Guhaseelarupan for R4
Mr. S.Kandasamy for R3

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ORDER

Heard Mr. M.Mahaboob Athiff, Learned Counsel for the Petitioner, Mr. P.Subbaraj, Learned Special Government Pleader appearing for the First and Second Respondents, Mr. S.Kandasamy, Learned Counsel for the Third Respondent and Dr. 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 proceedings in CHE.MU.NA.KA.No. 949/2009/E3 dated 02.03.2018 passed by the First Respondent, which is impugned in this Writ Petition, by filing a revision under Section 21-A of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, before the Second Respondent, 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.



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In view of the same, the Writ Petition is dismissed as withdrawn, granting such liberty.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., 27.03.2020, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. Consequently, the connected Miscellaneous Petition is closed. No costs.

12.12.2022

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Index: Yes/No

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.

To

1. The Assistant Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowment Board,
Madurai.
2. The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable
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3. The Executive Officer,
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P.D. AUDIKESAVALU, J.

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