



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.02.2022
CORAM

THE HONOURABLE MR. JUSTICE C.SARAVANAN

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Writ Petition (MD) No.5348 of 2018
and
W.M.P. (MD) No.5285 of 2018

M.Balasubramanian

.. Petitioner

Versus

1. The Commissioner,
Administrative Section,
Hindu Religious and Charitable Endowment Dept.,
Nungampakkam,
Chennai.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Dept.,
Palayamkottai,
Tirunelveli.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Dept.,
Tirunelveli.
4. The Executive Officer,
Arulmigu Sinthamaninatha Swamy Thirukovil,
Vasudevanallur,
Tirunelveli District.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari, calling for the records in Na.Ka.No.483/2018/E, dated 16.02.2018, on the file of the third respondent and quash the same as illegal and violation of principles of natural justice.

For Petitioner	:	Mr.J.Gavin Silvester for Mr.S.Kumar
For R1 to R3	:	Mr.P.Subbaraj Special Government Pleader
For R4	:	Mr.S.Manohar



ORDER

Heard the learned counsel for the petitioner, the learned Special Government Pleader for the respondents 1 to 3 and the learned counsel for the fourth respondent.

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2.The impugned order seeking to appoint a fit person under Section 49(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 [hereinafter referred to as 'the HR & CE Act'] is challenged on the ground that the impugned order has been passed without hearing the petitioner.

3.Opposing the prayer, the learned counsel for the fourth respondent would submit that the Writ Petition is liable to be dismissed, by directing the petitioner to work out the remedy before the Joint Commissioner, as the petitioner has alternate remedy under Section 21-A of the HR & CE Act by way of revision before the Joint Commissioner.

3.On query, the learned Special Government Pleader appearing for the Official respondents confirms that though a fit person has been appointed in terms of the impugned order, he has not yet taken charge.

4.Considering the above said facts, the impugned order is set aside and the matter is remanded back to the third respondent herein to pass a fresh order within a period of four weeks from the date of receipt of a copy of this order. Needless to state that the petitioner shall be heard before passing fresh orders in the *de novo* proceedings.

5.This Writ Petition is allowed in terms of the above observation. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Commissioner,
Administrative Section,
Hindu Religious and Charitable Endowment Dept.,
Nungampakkam,
Chennai.



2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Dept.,
Palayamkottai,
Tirunelveli.

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3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Dept.,
Tirunelveli.

4.The Executive Officer,
Arulmigu Sinthamaninatha Swamy Thirukovil,
Vasudevanallur,
Tirunelveli District.

+1 CC to M/s.S.KUMAR, Advocate (SR-5067[F] dated 09/02/2022)

+1 CC to M/s.SPL.GP (SR-5001[F] dated 09/02/2022)

+1 CC to M/s.S.MANO HAR, Advocate (SR-4909[F] dated 09/02/2022)

WP (MD) No.5348 of 2018
08.02.2022

RD(16.02.2022) 3P 8C