



W.P. (MD) No. 27794 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2022

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 27794 of 2022

and

W.M.P.(MD)Nos. 21874 and 21875 of 2022

R.Venkatasamy Naidu

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Road,
Nungambakkam,
Chennai - 34.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Ellis Nagar,
Madurai - 625 016.
- 3.The Executive Officer,
Arulmighu Muniyandiswamy Temple,
Alanganallur,
Madurai District.
- 4.Kammalapatti Nattamaidara Vagaiyara,
Rep. by Mr.Narayaswamy.
- 5.Servar Naickar Vagaiyara,
Rep. by Mr.Raju Naidu.

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6. Sokkiah Naicker Vagaiyara,
Rep. by Mr. Rajendran.

7. Kuttikanakku Pillai Vagaiyara,
Rep. by Mr. Vijayaragavan.

8. Venkatesan

9. Premkumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the Impugned Order in O.A.No.16 of 2005 dated 28.04.2022 on the file of Respondent No.2 and quash the same as illegal.

For Petitioner : Mr. T.Lajapathi Roy

For R1 to R2 : Mr. P.Subbaraj
Special Government Pleader

For R3 : Dr. Ramesh Mahadev

ORDER

Heard Mr. T.Lajapathi Roy, Learned Counsel for the Petitioner and Mr. P.Subbaraj, Learned Special Government Pleader, who takes notice for



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the First and Second Respondents and Dr. Ramesh Mahadev, Learned Counsel, who takes notice for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. Though the Writ Petition has been filed challenging the order dated 28.04.2022 in O.A. No. 16 of 2005 under Section 63(e) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as 'the Act' for short) passed by the Second Respondent, Learned Counsel for the Petitioner states that the Petitioner has also preferred an appeal against the same order in A.P. No. 123 of 2022 D2 under Section 69(1) of the Act before the First Respondent and would be satisfied if the said appeal, which has been posted for next hearing on 14.12.2022, is expeditiously decided by the First Respondent within the time limit that may be fixed by this Court.

3. Having regard to the limited nature of relief sought, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, passes the following order:-



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- (i) the concerned authority shall immediately consider the appeal in A.P. No. 123 of 2022 D2 filed by the Petitioner;
- (ii) if it is found that any other details or supporting documents are necessary for granting the relief claimed had not been produced, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 clear working days for the same;
- (iii) in the event of not being satisfied with the said requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner to explain his position in that regard; and
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 28.02.2023 under written acknowledgment.



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4. In fine, the Writ Petition is disposed on the aforesaid terms.

Consequently, the connected Miscellaneous Petitions are closed. No costs.

09.12.2022

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Index : Yes/No

Internet : Yes/No

Note: Issue order copy by 25.01.2023.

To

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Road,
Nungambakkam,
Chennai - 34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Ellis Nagar,
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P.D.AUDIKESAVALU,J.

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