



WEB COPY



Writ Petition No.4038 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13/2/2023

C O R A M

THE HONOURABLE Mr.JUSTICE N. SATHISH KUMAR

Writ Petition No.4038 of 2023

a n d

W.M.P.Nos.4076 and 4077 of 2023

D.Ramraj Naidu

...

Petitioner

Vs

1. The Commissioner
Hindu Religious Charitable
Endowment Department
Nungambakkam
Chennai 600 034.
2. The Joint Commissioner
Chennai Division – I
HR & CE Department, Padi
Chennai 600 050.
3. The Executive Officer/Fit Person
Arulmigu Arthanareeswarar Temple
Having Office at
Arulmigu Srinivasa Perumal Temple
Egmore
Chennai 600 008.

...

Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for the issuance of a writ of certiorarified mandamus to call for the



Writ Petition No.4038 of 2023

records relating to the impugned notice issued by the first respondent in *Suo Motu* Revision 2/2022/D2 dated 13/12/2022 on the file of the first respondent and quash the same as illegal and consequently, direct the respondent authorities to confirm the order passed by the second respondent in O.A.No.2 of 2022 dated 31/10/022 and appoint the petitioner as hereditary trustee for the Arthanareeswarar temple.

For petitioner	...	Mr.S.Velmurugan
For respondents	...	Mr.N.R.R.Arun Natarajan Special Government Pleader

- - - - -
ORDER

This writ petition has been filed to quash the notice issued by the first respondent in *Suo Motu* Revision 2/2022/D2 dated 13/12/2022 on the file of the first respondent and consequently, direct the respondent authorities to confirm the order passed by the second respondent in O.A.No.2 of 2022 dated 31/10/022 and appoint the petitioner as hereditary trustee for the Arthanareeswarar temple.

2. Heard Mr.S.Velmurugan, learned counsel for the petitioner.



3. Mr.N.R.R.Arun Natarajan, learned Special Government Pleader for the respondents.

4. By consent, the writ petition is taken up for final disposal, at the admission stage itself.

5. Perused the materials available on record.

6. Sub-Clause (2) of Section 69 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1999 reads as follows:-

“Any order passed by the Joint Commissioner or the Deputy Commissioner, as the case may be, in respect of which no appeal has been preferred within the period specified in sub-Section (1) may be revised by the Commissioner suo motu and the Commissioner may call for and examine the records of the proceedings to satisfy himself as to the regularity of such proceedings or the correctness, legality or propriety of any decision or order passed



WEB COPY



Writ Petition No.4038 of 2023

by the Joint Commissioner or the Deputy Commissioner, as the case may be. Any such order passed by the Commissioner in respect of an order passed by the Joint Commissioner or the Deputy Commissioner, as the case may be, shall be deemed to have been passed by the Commissioner on an appeal preferred to him under sub-Section (1).”

7. A bare reading of the above, makes it crystal clear that Commissioner may call for and examine the records of the proceedings or the correctness of the order passed by the Joint Commissioner or the Deputy Commissioner, the petitioner cannot challenge the same by way of the instant writ petition. It is for the petitioner to participate in the suo motu revision and establish his right.

8. In such a view of the matter, this writ petition is dismissed and the Commissioner shall dispose of the same, within a period of two months, from the date of receipt of a copy of this order.

9. With the above direction, this writ petition is disposed of. No costs.



Writ Petition No.4038 of 2023

Consequently, the connected Miscellaneous Petitions are closed.

WEB COPY

13/2/2023

Index : Yes / No

Internet: Yes

Speaking/non speaking order

Neutral Citation: Yes/No

mvs.

N. SATHISH KUMAR, J



WEB COPY



Writ Petition No.4038 of 2023

mvs.

W.P.No.4038 of 2023

13/2/2023