



WEB COPY



Writ Petition No.18063 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.18063 of 2023

1.C.Siddhan

S/o.Chinnaiah Gounder

2.P.Chinnapaiyan

S/o.Periathambi Gounder

...Petitioners

Vs

1.The Joint Commissioner,

Hindu Religious and Charitable Endowment,
Salem, Salem District.

2.The Assistant Commissioner,

Hindu Religious and Charitable Endowment,
Salem, Salem District.

3.P.Muniappan

S/o.Poovagounder

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent to forthwith cancel the Identity Card No.103886 by considering and passing necessary orders on the representation of the petitioners dated 15.01.2023.



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For Petitioners : Mr.K.Selvaraj

For Respondents : Mr.K.Karthikeyan
Government Advocate [R1 & R2]

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the second respondent to cancel the Identity Card standing in the name of the third respondent by considering the representation made by the petitioners on 15.01.2023.

2. Heard Mr.K.Selvaraj, learned counsel for petitioners and Mr.K.Karthikeyan, learned Government Advocate appearing for respondents 1 and 2.

3. The grievance of the petitioners is that the third respondent in the course of civil proceedings produced a Identity Card as if the same was issued by the Assistant Commissioner of Hindu Religious and Charitable Endowments Department. When the petitioners wanted to ascertain the genuineness of this document, they came to know that no such Identity Card was issued in favour of the third respondent. Since the third respondent was



using the Identity Card as if it was given by the Department, the petitioners made a representation to the respondents 1 and 2 on 15.01.2023. Since the same did not evoke any response, the present writ petition has been filed before this Court.

4. Learned Government Advocate appearing on behalf of respondents 1 and 2 submitted that based on the representation made by the petitioners, already an enquiry has been initiated against the third respondent. Learned Government Advocate submitted that if it is found that the third respondent had fabricated the document [Identity Card], proper action will be taken against the third respondent in accordance with law.

5. If ultimately the Identity Card is found to be a fabricated document, there is no question of cancelling the same since cancellation or expiry of a document will arise only if a document is genuine. The second respondent shall keep this in mind while conducting the enquiry based on the representation given by the petitioners. In any event, the second respondent shall complete the enquiry and take further course of action within a period of eight (8) weeks from the date of receipt of a copy of this order. Since the



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petitioners had given representation, the second respondent shall hear the petitioners also before taking the final decision.

In the result, this Writ Petition is disposed of with the above direction.

No costs.

22.06.2023

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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To

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Salem, Salem District.

2. The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Salem, Salem District.

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