



Writ Petition No.17964 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.17964 of 2023

and

W.M.P.No.17118 of 2023

A.Elumalai

S/o.Aadhi

...Petitioner

Vs

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Zone No.II - Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Chennai - 600 050.

3.The Executive Officer,
Arulmighu Maruntheeswarar Thirukoil,
Thiruvanmiyur, Chennai - 600 041.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Certiorari calling for the records comprised in the
proceedings of the first respondent bearing proceedings M.P.No.34/2015/A3
dated 15.02.2023 and quash the same.

For Petitioner : Mr.T.T.Ravichandran
For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader



Writ Petition No.17964 of 2023

ORDER

The subject matter of challenge in the present writ petition pertains to the proceedings of the first respondent in M.P.No.34/2015/A3, dated 15.02.2023 by virtue of which the rental arrears which was originally shown as Rs.1,72,680/- was corrected by virtue of Section 152 of Code of Civil Procedure to Rs.17,02,680/-.

2. The case of the petitioner is that the Joint Commissioner initiated proceedings u/s.78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 [for brevity 'the Act']. An order came to be passed on 19.11.2022 directing the petitioner to vacate and handover the property within a period of 30 days and to pay the arrears of rent to the tune of Rs.1,72,680/-. This order passed by the first respondent was put to challenge before the II Assistant City Civil Court, Chennai, in O.S.No.1321 of 2023.

3. The grievance of the petitioner is that when this suit was pending, the third respondent seems to have made an application before the Joint Commissioner and based on the same, the impugned order dated



15.02.2023 came to be passed by correcting the rental arrears from Rs.1,72,680/- to Rs.17,02,680/-. According to the petitioner, the said order was passed based on an application filed by the third respondent and the petitioner was not put on notice and the Joint Commissioner, who was exercising a quasi-judicial function, has straightaway passed the order which has prejudiced the right of the petitioner. Aggrieved by the same, the present writ petition has been filed before this Court.

4. Heard Mr.T.T.Ravichandran, learned counsel for petitioner and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader appearing for respondents.

5. In the considered view of this Court, the petitioner has already challenged the order passed by the Joint Commissioner through proceedings dated 19.11.2022 and the same is pending before the competent Civil Court. It is seen from records that the suit was filed on 15.02.2023 and on the same day, the impugned order, which is under challenge in the present writ petition has been passed. If the petitioner is aggrieved by this order, it is always left open to the petitioner to question the same in the pending suit by



Writ Petition No.17964 of 2023

filing an appropriate application. The petitioner cannot maintain a writ

WEB COPY

N.ANAND VENKATESH, J
gm

petition before this Court when the substantial right of the petitioner is now a subject matter before the Civil Court. Hence, liberty is granted to the petitioner to challenge the impugned proceedings of the first respondent dated 15.02.2023 in the pending suit in the manner known to law.

This writ petition is disposed of in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

19.06.2023

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

gm

To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Zone No.II - Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Chennai - 600 050.

3.The Executive Officer,
Arulmighu Maruntheeswarar Thirukoil,
Thiruvanmiyur, Chennai - 600 041.



WEB COPY



Writ Petition No.17964 of 2023

Writ Petition No.17964 of 2023