



W.A.No.2769 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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S.R.Mohanakrishnan

.. Appellant

v.

1. K.Moorthy
2. V.Moorthy
3. V.Rajendran
4. R.Murugan
5. P.Veeramanikandan
6. M.Pacchaiyammal
7. V.Santhakumar
8. The Joint Commissioner
Hindu Religious &
Charitable Endowment Board
Villupuram
9. The Assistant Commissioner
Hindu Religious &
Charitable Endowment Board
Villupuram



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10.The Executive Officer

Arulmigu Athulya Nadheswarar Temple
Arakandanallur, Kandachipuram
Villupuram District

.. Respondents

Appeal filed under Clause 15 of the Letters Patent, against the order dated 26.10.2022 passed in W.P.No.28180 of 2022.

For Appellant :: Mr.V.Raghavachari

For Respondents :: Mr.N.R.R.Arun Natarajan
Special Government Pleader-HR&CE
for R8 to R10

JUDGMENT

(Judgment of the Court was made by the Hon'ble Acting Chief Justice)

This writ appeal has been directed against the impugned order dated 26.10.2022 passed in Writ Petition No.28180 of 2022, wherein the learned single Judge has vividly and explicitly, disposing of the writ petition, directed the writ petitioners, who are said to be the tenants under the appellant herein, to submit their explanation to the show cause notice dated 21.09.2022 impugned in the writ petition to the concerned authority on or before 30.11.2022 with a further observation that in the event of not being satisfied with the explanation submitted by the writ petitioners, enquiry shall



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be conducted following the prescribed procedure after affording full opportunity of personal hearing to them. The impugned order also further says that if any adverse decision is taken, the writ petitioners may pursue legal remedies in accordance with law.

2. Mr.V.Raghavachari, learned counsel appearing for the appellant, assailing the impugned order, submitted that the appellant, being the landlord, ought to have been given an opportunity to submit his explanation/objections to the show cause notice, as the writ petitioners are only the tenants who have been directed to submit their explanation. The learned counsel also submitted that when the appellant appeared before the Joint Commissioner and gave his explanation, this is not even considered by the Joint Commissioner.

3. Mr.N.R.R.Arun Natarajan, learned Special Government Pleader appearing for the respondents 8 to 10, in reply, submitted that when the show cause notice was addressed to the tenants, they can only submit their



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explanation/objections and the appellant has no locus.

4. Be that as it may. When the appellant claims to be the landlord and he has filed this appeal only on the ground that he has not been given an opportunity to put forth his case, without going into the merits, we hereby direct the appellant/landlord to submit his explanation/objections to the show cause notice before the Joint Commissioner, Hindu Religious & Charitable Endowments Department, Villupuram within one week from the date of receipt of a copy of this order. If the explanation is given by the appellant within the time stipulated in this order, the same shall be considered by the Joint Commissioner, Hindu Religious & Charitable Endowments Department, Villupuram on merits and appropriate orders shall be passed in accordance with law. With this observation, the writ appeal stands disposed of. Consequently, C.M.P.No.22527 of 2022 is closed. There shall be no order as to costs.

Speaking/Non speaking order
Index : yes/no
SS

(T.R.,A.C.J.) (D.B.C.,J.)
02.01.2023



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- To
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Villupuram
 2. The Assistant Commissioner
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THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

SS

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