



WEB COPY



W.P. (MD) No. 1270 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

**W.P. (MD) No. 1270 of 2023
and W.M.P. (MD) No. 1176 of 2023**

R.S.Elavarasan

... Petitioner

Vs.

1. The Commissioner,
HR & CE Department,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Thousand Lights West, Nungambakkam,
Chennai – 600 034.
2. The Joint Commissioner,
HR & CE Department,
B1 Road, Elis Nagar, Madurai - 625 016.
3. The Assistant Commissioner,
HR & CE Department,
B1 Road, Elis Nagar, Madurai - 625 016.
4. M.P.Karthikeyan,
Manager,
Madurai Thirugnanasampantha Swamigal Aatheenam,
No.70, South Aavani Moola Veethi,
Madurai - 625 001.

...Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to



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issue a writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the 3rd respondent in Na.Ka.No.2781/2018-1/AA1 dated 09.01.2023 and quash the same and direct the 3rd respondent not to act upon and take any coercive action in pursuant to the notice of the 3rd respondent in Na.Ka.No.2781/2018-1/AA1 dated 09.01.2023 which is in pursuant to order dated 09.03.2021 in M.P.No.3 of 2021 passed by the 2nd respondent until the petitioners appeal in RP No.330 of 2022 is heard and disposed before the 1st respondent.

For Petitioner : Mr. P.Jesus Moris Ravi
For Respondents : Mr. P.Subbaraj
Special Government Pleader
for R1 to R3
Mr. Arun Swaminathan for R4

ORDER

Heard Mr. P.Jesus Moris Ravi, Learned Counsel for the Petitioner and Mr. P.Subbaraj, Learned Special Government Pleader who takes notice for the First to Third Respondents and Mr. Arun Swaminathan, Learned Counsel for the Fourth 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

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09.03.2021 in M.P. No. 3 of 2021 under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as 'the Act' for short) for eviction of the Petitioner from the property belonging to Thirugnanasambanda Swamigal Aatheenam, Madurai, Learned Counsel for the Petitioner states that the Petitioner has preferred Appeal No. 330 of 2022 against the said order before the Commissioner, Hindu Religious and Charitable Endowments Department (hereinafter referred to as 'the Commissioner' for short) and would be satisfied if the said appeal, which has been initially posted on 08.03.2023 and has been advanced for next hearing on 08.02.2023, is expeditiously decided by the Commissioner within the time limit that may be fixed by this Court.

3. It has been further brought to notice that the Division Bench of this Court by order dated 13.12.2022 in W.P. (MD) No. 23996 of 2022 has directed the concerned authority to dispose the pending appeal within a period of four weeks.

4. Having regard to the limited nature relief sought, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, the Writ Petition is disposed on the following terms:-



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- (i) the Commissioner shall endeavour to take up Appeal No. 330 of 2022 on 08.02.2023 and after hearing the concerned parties following the prescribed procedure, pass any order, interim or final, as may be deemed fit and proper and the impugned order shall be kept in abeyance till then;
- (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;
- (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 to the concerned parties under written acknowledgment;
- (v) it shall be ensured by the Commissioner that there is atleast one effective hearing every week showing progress of the case;
- (vi) the report of completion of the aforesaid exercise shall be filed before



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the Registrar (Judicial) of this Court;

(vii) consequently, the connected Miscellaneous Petition is closed; and

(viii) there shall be no order as to costs.

24.01.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes/No

PKN

Note: Issue order copy by 23.06.2023.

To

1. The Commissioner,
HR & CE Department,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
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The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai – 625023.

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P.D.AUDIKESAVALU,J.

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