



WEB COPY



W.P. (MD) No. 2141 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 2141 of 2023

and

W.M.P. (MD) No. 1905 of 2023

N.Sivakumar

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Nungambakkam High Road,
Chennai – 600 034.

2.The District Collector, Karur.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Tiruppur.

4.The Executive Officer,
Arulmigu Kalyana Pasupatheeswarar Temple,
Karur Town.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorarified mandamus, to call for the records in Na.Ka.No.10538/2022-73/A3, Dated 30.12.2022 on the file of the 3rd respondent, and quash the same consequently direct the 2nd respondent to conduct the enquiry.



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For Petitioner : Mr. E.J.Ayyappan
For Respondents : Mr. T.Villavan Kothai
Additional Government Pleader (R1 to R3)
Mr. P.Athimoolapandian (R4)

ORDER

Heard Mr. E.J.Ayyappan, Learned Counsel for the Petitioner, Mr. T.Villavan Kothai, Learned Additional Government Pleader appearing for the First and Third Respondents and Mr. P.Athimoolapandian, Learned Counsel appearing for the Fourth Respondent and perused the materials placed on record, apart from the pleading of the parties.

2. The Writ Petition has been filed challenging the Proceedings in Na.Ka.No.10538/2022-73/A3 dated 30.12.2022 passed by the Third Respondent and for directing the Second Respondent to conduct an enquiry.

3. When it was pointed out that the Petitioner has an effective alternative remedy to institute suit in the jurisdictional Civil Court in terms of Section 79(2) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, for the relief that has been sought in this Writ Petition, Learned



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Counsel for the Petitioner seeks permission of the Court to withdraw this Writ Petition with liberty to resort to the same. Learned Counsel for the Petitioner has also made an endorsement to that effect, which is recorded.

In fine, the Writ Petition is dismissed as withdrawn granting such liberty. It is made clear for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of this Writ Petition, viz., 23.01.2023, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. Consequently, connected Miscellaneous Petition is closed. No costs.

02.02.2023
(1/19)

NCC : Yes/No
Index : Yes/No
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Note: (i) Issue order copy by 03.03.2023.

(ii) Registry is directed to return the original copy of the impugned order under written acknowledgment after retaining a copy of the same for record.



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P.D.AUDIKESAVALU,J.

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