



W.P. (MD) No. 3450 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVU

W.P. (MD) No. 3450 of 2021

and

W.M.P. (MD) Nos. 2798 and 2799 of 2021

K.Neela Narayanan

... Petitioner

Vs.

- 1.The Commissioner,
The Hindu Religious and Charitable Endowment Department,
Nungambakkam High Road, Chennai 600 034.
- 2.The Joint Commissioner,
The Hindu Religious and Charitable Endowment Department.,
Tirunelveli.
- 3.The Assistant Commissioner,
The Hindu Religious and Charitable Endowment Department.,
52/A, Trivandrum Road, Palayamkottai, Tirunelveli.
- 4.The Inspector,
The Hindu Religious and Charitable Endowment Dept.,
Nagercoil(West), Nagercoil, Kanyakumari District.



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5. The Executive Officer,
Arulmigu Angenamezhuthiya Kandan Saastha, Ashramam,
Suchindram Post, Kanyakumari District - 629 704.

6. Arulmigu Mutharamman Thirukovil,
Rep. by the Vice President,
T.Senthil Kumar.

7. P.Karthik Viswanathan

... Respondents

Prayer:- Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorari, calling for the records, relating to the proceedings of the second respondent vide Che.Mu.Na.Ka.No.10759/2020/A2, culminating in his order, dated 10.11.2020, as communicated to the petitioner, by the 5th respondent herein, vide her letter, dated 20.01.2021, quash the same.

For Petitioner : Mr. B.Brijesh Kishore

For Respondents : Mr. T.Villavankothai (R1 to R4)
Additional Government Pleader

Mr. T.Selvakumaran (R5)

Mr. T.Lajapathi Roy (R7)

No appearance (R6)



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ORDER

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When it was pointed out that the Petitioner has got an effective alternative remedy to challenge the Proceedings in Che.Mu.Na.Ka.No.10759/2020/A2 dated 10.11.2020 passed by the Second Respondent, which is impugned in this Writ Petition, by filing an appeal under Section 21 of the Hindu Religious and Charitable Endowments Act, 1959, before the First Respondent, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition with liberty to resort to the aforesaid procedure. He has also made an endorsement to that effect in the court record.

In fine, the Writ Petition is dismissed as withdrawn granting such liberty. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of this Writ Petition, viz., 18.02.2021, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded and that the Petitioner shall produce necessary evidence relating to the actual date on which the impugned order has been served on him. Consequently, connected



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Miscellaneous Petitions are closed. No costs.

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12.01.2023

NCC : Yes/No

Index : Yes/No

SM

Note: (i) Issue order copy by 30.01.2023.

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



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TO:

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P.D.AUDIKESAVALU,J.

Sm

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12.01.2023