



W.P(MD). No. 19144 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.02.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P(MD). No. 19144 of 2020

and

W.M.P(MD). Nos. 16012 and 16014 of 2020

V.V.Vairam

... Petitioner

-VS-

1. The Joint Commissioner,
H.R & C.E. Department, Sivagangai.
2. The Commissioner,
H.R. & C.E. Department, Chennai – 600 034.
3. S.Venkatesan @ Sevugan Chetty
4. NL. VRL. Veerappan
(R3 and R4 impleaded vide Court order
dated 03.02.2021 made in W.M.P(MD) Nos.
436 and 1400 of 2021)

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order in Na.Ka.No.1791/2017/Aa1 dated 06.11.2020 on the file of the First Respondent and quash the same and further directing the First Respondent to recognize the Petitioner as a Hereditary Trustee in Arulmigu Suyamprakasa Easwarar Thirukoil, Eluppakudi.



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For Petitioners : Mr. C.Prabhu Rajadurai

For Respondents : Mr. Veera Kathiravan
Additional Advocate General, assisted by
Mr. P.Subbaraj,
Special Government Pleader for R1 and R2
Mr. J.Malairaja for Mr. Arun Swaminathan
for R3
Mr. S.Madhavan for R4

ORDER

Heard Mr. J.Malairaja, Learned Counsel for the Petitioner, Mr. Veera Kathiravan, Learned Additional Advocate General, assisted by Mr. P.Subbaraj, Learned Special Government Pleader, appearing for the First and Second Respondents, Mr. C.Prabhu Rajadurai, Learned Counsel appearing for the Third Respondent and Mr. S.Madhavan, Learned Counsel appearing for the Fourth Respondent and, perused the materials placed on record, apart from the pleadings of the parties.

2. When it was pointed out that the Petitioner has got an effective alternative remedy to challenge the Proceedings in Na.Ka.No.1791/2017/Aa1 dated 06.11.2020 passed by the First Respondent, which is impugned in this Writ Petition, by filing an appeal under Section 54(4) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, before the Commissioner of



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the Hindu Religious and Charitable Endowments Department, 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 the result, 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., 17.12.2020, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. Consequently, connected Miscellaneous Petitions are closed. No costs.

02.02.2023

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Index: Yes/No

Note: (i) Issue order copy by 24.02.2023.

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

To

1. The Joint Commissioner,
H.R & C.E. Department, Sivagangai.



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P.D. AUDIKESAVALU, J.

PKN

2. The Commissioner,
H.R. & C.E. Department, Chennai – 600 034.

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