



W.P. (MD) No. 29253 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 29253 of 2022

and

W.M.P. (MD) Nos. 23211 and 23213 of 2022

S.Bhawarlal

... Petitioner

Vs.

1.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowments Board,
Madurai.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai District,
Madurai.

3.M.P.Karthikeyan,
Manager,
Madurai Thirugnanasambanda Swamigal Aatheenam,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorari calling for records relating to the impugned order of the 1st respondent Joint Commissioner in Miscellaneous petition No.210 of 2019 dated 09.03.2022 (receive on 12.12.2022), quash the same.

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For Petitioner : Ms. A.Amala
For Respondents : Mr. T.Villavankothai (R1 & R2)
Additional Government Pleader

ORDER

Heard Ms. A.Amala, Learned Counsel for the Petitioner, Mr. T.Villavankothai, Learned Additional Government Pleader for the First and Second Respondents 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 09.03.2022 in M.P. No. 210 of 2019 under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as 'the Act' for short) for the eviction of the Petitioner for the property belonging to Thirugnanasambanda Swamigal Aatheenam, Madurai, Learned Counsel for the Petitioner states that the Petitioner has also preferred a Revision Petition against the same order in R.P. No. 40 of 2023 under Section 21 of the Act before the Commissioner, Hindu Religious and Charitable Endowments Department (hereinafter referred to as 'the Commissioner' for

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short) and would be satisfied if the said Revision, which has been posted for next hearing on 15.02.2023, is expeditiously decided by the Commissioner within the time limit that may be fixed by this Court.

3. 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:-

- (i) the Commissioner shall endeavour to take up the Revision Petition on the said date 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



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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 under written acknowledgment;

(v) consequently, the connected Miscellaneous Petitions are closed; and

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

12.01.2023

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NCC : Yes/No

Index : Yes/No

Note: Issue order copy by 30.01.2023.

To

1.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowments Board,
Madurai.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai District,
Madurai.



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P.D.AUDIKESAVALU,J.

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12.01.2023