



WEB COPY



W.P.No.7336 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.7336 of 2015
And
M.P.Nos.1 and 2 of 2015**

K.Balasubramanian

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious & Charitable Endowment
(Admin) Department,
Nungambakkam High Road,
Nungambakkam,
Chennai – 600 034.

2.The Joint Commissioner,
Hindu Religious & Charitable Endowment
(Admin) Department,
Coimbatore.
Kancheepuram.

3.The Fit Person/ Executive Officer
A/m. Subramaniasamy Temple,
Sivanmalai,
Tirupur District.

4.K.C.Raghunathan

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the first respondent vide his proceedings in Se.Mu.Na.Ka.No.22681/2014/A2 dated

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10.02.2015 and quash the same.

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For Petitioner : M/s.N.Damodaran
For Respondent : Mr.NRR.Arun Natarajan for R1 and R2
Special Government Pleader
Mr.N.Manokaran for R3
Mr.C.Prakasam for R4

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records of the first respondent vide his proceedings in Se.Mu.Na.Ka.No.22681/2014/A2 dated 10.02.2015 and quash the same.

2.The learned counsel appearing for the petitioner submitted that as against the impugned order, there is effective appeal remedy available to the petitioner before the Government in terms of Section 53(5) of the HR & CE Act. Hence, this Court, without going into the merits of the case, may grant liberty to the petitioner to exhaust the appeal remedy and issue direction to the Government to consider the same and pass appropriate orders within a reasonable time frame.

3.The learned Special Government Pleader appearing for the respondents 1 and 2 submitted that though the Government is not



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arrayed as a party in this writ petition, the impugned order passed by the first respondent itself makes it clear that there is appeal remedy available to the petitioner before the Government in terms of Section 53(5) of the HR & CE Act, however, the petitioner instead of exhausting the appeal remedy has filed this writ petition, which is not sustainable.

4.Considering the limited request now made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case and without interfering with the impugned order, permits the petitioner to file appeal before the Government in terms of Section 53(5) of the HR & CE Act. If any such appeal is filed by the petitioner, the Government shall consider the same and after providing opportunity to the petitioner as well as the private respondent, pass appropriate orders, on merits and in accordance with law, as expeditiously as possible.

5.The writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

28.08.2024

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Index: Yes/ No

Speaking Order: Yes/ No NCC: Yes/ No

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M.DHANDAPANI,J.
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To

- 1.The Commissioner,
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