



W.P.No.8913 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.8913 of 2017

and

WMP.Nos.9832 & 9833 of 2017

Om Sakthi Periapalayathamman Aalaya Kattalai,
Rep. by its President Sri.Siva,
(A Registered body under the Society Registration Act),
L.B.Road, Chennai – 600 020.

...Petitioner

Vs.

The Asst. Commissioner,
Hindu Religious and Charitable Endowment Board
(Admn.) Department,
Nungambakkam High Road, Chennai - 600 034.

...Respondent

Petition filed Under Article 226 of the Constitution of India
praying for the issuance of Writ of Certiorari to call for the records from
the respondent pertaining to Na.Ka.No.2967/2013-1/A and to quash the
said notice dated 24.10.2016.

For Petitioner : Mr.V.Srikanth

For Respondent : Mr.NRR.Arun Natarajan, Spl.GP

ORDER



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This Writ petition has been filed seeking quashment of the notice

dated 24.10.2016 issued by the respondent in Na.Ka.No.2967/2013-1/A.

2. The case of the petitioner is that, Om Sakthi Sri Periyapalayathamman temple is a private temple dedicated to worship of the members of the petitioner trust and the said temple was originally founded by one Duraikannu Gramini, who is the founder of the petitioner trust and the establishment, maintenance and management of the said institution remained with the founder, the said Durakannu Gramini. Earlier, the petitioner filed O.A.No.30 of 1982 under Section 63(a) of the HR & CE Act (in short 'Act') before the Deputy Commissioner of HR & CE, seeking to declare that Om Sakthi Sri Periyapalayathamman temple is not a religious institution coming under the purview of the said Act, however, the same came to be dismissed, challenging which, the petitioner filed an appeal before the Commissioner in A.P.No.47 of 1987 and the same was also dismissed. Thereby, the petitioner filed a statutory suit and the same also came to be dismissed, against which, the petitioner preferred appeal under Section 70(2) of the said Act in A.S.No.825 of 1995 before this Court and the same also came to be dismissed, holding that the Om Sakthi Sri Periyapalayathamman temple is a public temple.



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Aggrieved by the said order, the petitioner filed a review petition No.131 of 2008 and pending the same, the respondent has issued the present impugned notice dated 24.10.2016, calling upon the petitioner to attend enquiry with regard to appointment of a fit person and to furnish certain documents. Aggrieved by the same, the petitioner has come up with this Writ petition.

3. Heard learned counsel on either side and perused the material documents placed on record.

4. Though very many grounds have been raised by the learned counsel for the petitioner against the impugned notice, when this Court expressed its opinion that the notice for enquiry cannot be quashed at the threshold unless it is issued without jurisdiction, the learned counsel for the petitioner restricted the prayer and sought liberty of this Court permitting the petitioner to send appropriate reply to the notice impugned. Learned Special Government Pleader appearing for the respondent has also not expressed any objection for the limited relief sought for by the petitioner.

5. In view of the aforesaid stand taken by the learned counsel for



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the petitioner, this Court, without interfering with the impugned notice, grants permission to the petitioner to send suitable reply to the impugned notice within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such reply, the respondent shall consider the same and conduct enquiry and pass appropriate orders as expeditiously as possible, after affording an opportunity of personal hearing to the petitioner.

6. With the above directions, this Writ petition stands disposed of. No costs. Consequently, the connected Miscellaneous petitions are closed.

02.09.2024

skt

NCC : Yes/No
Index : Yes / No
Speaking Order : Yes / No

To

The Asst. Commissioner,
Hindu Religious and Charitable Endowment Board
(Admn.) Department,
Nungambakkam High Road, Chennai - 600 034.



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M.DHANDAPANI, J.

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