



W.A.No.495 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.495 of 2024

K.Shanthi

[Cause-title accepted vide order dated 15.12.2023
in C.M.P.No.29304 of 2023 in
W.A.SR.No.23619 of 2023]

.. Appellant

Vs.

1. A.Saburammal

2. The Commissioner
Hindu Religious and Charitable
Endowment (Administration) Department
No.119, Uthamar Gandhi Road
Nungambakkam, Chennai – 600 034.

3. The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Thangavelar Street, Kancheepuram.

4. The Executive Office
A/m. Padaladri Sri Narasimma
Singaperumal Koil
Chengalpattu District.

.. Respondents

Page 1 of 6



W.A.No.495 of 2024

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Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 31.01.2022 in W.P.No.1234 of 2022.

For the Appellant : Ms.R.Angalaparameswari

For the Respondents : Mr.NRR.Arun Natarajan
Special Government Pleader (HR & CE)
for R2 and R3

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Heard Ms.R.Angalaparameswari, learned counsel for the appellant and Mr.NRR.Arun Natarajan, learned Special Government Pleader (HR & CE) for respondents 2 and 3.

2. The present appellant is challenging the order passed by the learned Single Judge in W.P.No.1234 of 2022 dated 31.01.2022.

3. The learned counsel for the appellant submits that the impugned order is passed without issuing notice to the appellant. The appellant was not aware of the order passed. The present appellant is in possession of the subject property since 25 years.



W.A.No.495 of 2024

WEB COPY

4. Learned Special Government Pleader (HR & CE) submits that the order under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 [for brevity, "HR & CE Act, 1959"] is passed on 30.06.2023 and possession is taken on 05.07.2023.

5. The learned Single Judge has not decided the matter on merits. Submission was made that proceedings under Section 78 of the HR & CE Act, 1959 are initiated. The learned Single Judge had directed the proceedings under Section 78 of the HR & CE Act, 1959 to be decided within six weeks and thereafter, initiate further action in accordance with law.

6. The order under Section 78 of the HR & CE Act, 1959 is passed and possession is taken. Learned counsel for the appellant submits that the appellant has filed a review before the Commissioner, HR & CE Department and the same is not being heard.



W.A.No.495 of 2024

WEB COPY

7. In case the appellant has filed a review before the Commissioner, HR & CE Department, the Commissioner shall consider the said review on its own merits and in accordance with law, after adhering to the principles of natural justice expeditiously.

8. The writ appeal, accordingly, stands disposed of. There shall be no order as to costs. Consequently, C.M.P.No.3396 of 2024 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

15.02.2024

Index : Yes/No

Neutral Citation : Yes/No

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W.A.No.495 of 2024

WEB COPY

To

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W.A.No.495 of 2024

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(drm)

W.A.No.495 of 2024

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