



W.P.(MD) No.16875 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.16875 of 2024
and
W.M.P(MD).No.14531 of 2024**

Goswamy Madam
Represented by its Manager R.G.Ramasubbu.

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Sivagangai.

2.The Assistant Commissioner,
O/o. the Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Ramanathapuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records of the second respondent pertaining to the impugned notice in Na.Ka.No.1637/2023/A5 dated 10.07.2024 and quash the same.

For petitioner	: Mr.K.Govindarajan for R.Murali
For respondent	: Mr.P.Subbaraj Special Government Pleader



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ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

2. This is the second round of litigation before this Court on an identical issue. Earlier, a similar show cause notice was issued to the petitioner on 23.01.2013 by the then Joint Commissioner. The present show cause notice has been issued by the Assistant Commissioner, wherein it was proposed as to why the petitioner/Goswamy Madam should not be taken over by the TNHR&CE Department. Para 2 of the respective show cause notice dated 23.01.2013 as well as the impugned show cause notice dated 07.12.2021 read almost identical.

3. As far as the earlier show cause notice date 23.01.2013 is concerned, the petitioner had approached this Court in W.P.(MD)No.2357 of 2013. After hearing the parties at length the detailed order came to be passed by this Court on 23.11.2021. Operative portion of the order reads as under:

“22. From the narrative thus far, it is clear that none of the aforementioned exceptions arise in the case on hand. To be noted, it



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has already been alluded to supra by me that the argument predicated on Section 1(3) of TN HR&CE Act is a non-starter.

23. Therefore, the case on hand does not warrant interference qua impugned SCN.

24. Be that as it may, it is only appropriate that the writ petitioner responds to the impugned SCN and the respondent takes a decision on the same on the merits of the reply and in accordance with law after conducting an enquiry and calling for records if necessary.

25. This court also takes into account the fact that there was an interim stay operating for eight long years and is in the anvil of turning nine three month from now. Therefore, captioned writ petition is disposed of by making the following order:

(a) this Court does not interfere in impugned SCN and the same is sustained however; subject to other limbs of this order infra; (b) writ petitioner shall respond to the impugned SCN within a fortnight from today i.e., on or before 07.12.2021. The respondent shall decide the matter on the merits of the reply and in accordance with law within six weeks from 07.12.2021 i.e., on or before 18.01.2022.

(c) It is open to the respondent to call for further records and also call upon the constituents of the writ petitioner entity to go before him to conclusively decide the issue and the writ petitioner shall co-operate with this exercise without seeking undue adjournments or long / needless rescheduling;

(d) The observations made in this order are for the limited purpose of disposal of the captioned writ petition, they shall be treated as prima facie observations and therefore, they shall neither impede nor serve as impetus in the aforementioned exercise which shall be undertaken by the respondent;

(e) As an interim order has been operating for eight long years now, this Court deems it appropriate to direct status quo as of today to be maintained till the disposal of



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the matter by the respondent on or before 18.01.2022;

(f) The order of the respondent disposing of the matter shall be communicated to the writ petitioner under due acknowledgment within seven working days from the date of the order;

(g) If the order / conclusion of the respondent is adverse to the writ petitioner, the order of status quo will continue to operate for another fortnight from 18.01.2022 i.e., up to 01.02.2022; and

(h) If the writ petitioner does not send a reply within a fortnight from today, the benefit of status quo order will come to an end and it will be open to the respondent to proceed in accordance with law.

Consequently, connected miscellaneous petition is also closed. There shall be no order as to costs."

4. It is noticed that thereafter also few communications have been exchanged between the petitioner and the respondents. However, no orders have been passed pursuant to the direction issued by this Court in W.P.(MD)No.2357 of 2013 dated 23.11.2021, instead now the impugned show cause notice dated 10.07.2024 bearing reference in ந.க.எண்.1637/2023/அ5 has been issued by second respondent/Assistant Commissioner.

5. Since the matter is still alive pursuant to the directions of this Court dated 23.11.2021 in W.P.(MD)No.2357 of 2013, there was no justification in the



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impugned notice dated 10.07.2024 by the second respondent.

6. Under these circumstances, the impugned show cause notice is set aside. However, there shall be a direction to the respondents to comply with the order passed by the Court on 23.11.2021 in W.P.(MD)No.2357 of 2013 after considering the replies filed by the petitioner. This exercise is expected to be completed by the respondents within a period of three months from the date of receipt of a copy of this order.

This Writ Petition is disposed of, with above directions. No costs.

Index : Yes / No
Internet : Yes / No
apd

24.07.2024

To

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Sivagangai.

2.The Assistant Commissioner,
O/o. the Assistant Commissioner,
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Ramanathapuram.

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C.SARAVANAN, J.

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