



W.P(MD)No.22079 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD)No.22079 of 2024

and

W.M.P(MD)No.18705 of 2024

S.Santharam

... Petitioner

Vs.

The Assistant Commissioner /
Executive Officer,
Hindu Religious and Charitable Endowments
Department,
Arulmighu Koodalalagar Perumal Thirukovil,
Madurai-625 001.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned notice issued by the first respondent in his proceedings in Na.Ka.No.391-1/2024/A4, dated 26.08.2024 and quash the same as illegal.

For Petitioner : Mr.J.Jeyakumaran

For Respondent : Mr.S.Manohar
Standing Counsel



W.P(MD)No.22079 of 2024

WEB COPY

ORDER

The present writ petition has been filed challenging the impugned proceedings, dated 26.08.2024, whereby, the petitioner was permitted to conduct Uriyadi Urchava function, which is a traditional practice followed for over 125 years with the condition that the petitioner retrieve the property, which have been endowed.

2. The learned Counsel for the petitioner would submit that the impugned proceedings are made in gross violation of principles of natural justice, inasmuch as the petitioner never had any real opportunity to put-forth his case. It is submitted by the learned Counsel for the petitioner that the notice, dated 21.08.2024 was issued proposing to permit them to conduct the Uriyadi Urchava function, subject to retrieving the property, which has been endowed. The petitioner in response to the above notice, submitted a reply on 23.08.2024, seeking time. However, within 72 hours, the impugned order has been passed confirming the proposal that was set out in the notice, viz., refusing to grant permission stating that the permission for Uriyadi Urchava function would only be granted subject to the retrieval of the property. Thus, the opportunity, if any, that was granted prior to the passing of the order was not real but illusory. It is



W.P(MD)No.22079 of 2024

further submitted by the learned Counsel for the petitioner that respondents are seeking retrieval of properties which have been sold way back in the year 1972 i.e., almost after 50 years.

3. In response to the same, the learned Standing Counsel for the respondent would submit that the petitioner would be heard and documents, if any, that may be submitted would also be considered and orders would be passed afresh, agreed to by the learned Counsel for the petitioner.

4. Considering the submissions made by both parties, this Court is inclined to set aside the impugned order. The petitioner is granted liberty to file a representation along with supporting documents in support of his contention, within a period of two (2) weeks from the date of receipt of a copy of this order. If such representation along with documents submitted by the petitioner, the respondent would hear the petitioner and pass appropriate order in accordance with law, within a period of two weeks therefrom.



W.P(MD)No.22079 of 2024

WEB COPY

5. The writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

18.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

The Assistant Commissioner /
Executive Officer,
Hindu Religious and Charitable Endowments
Department,
Arulmighu Koodalalagar Perumal Thirukovil,
Madurai-625 001.



WEB COPY



W.P(MD)No.22079 of 2024

MOHAMMED SHAFFIQ, J.

BTR

W.P(MD)No.22079 of 2024

18.09.2024