



W.P.(MD)No.22040 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.22040 of 2024

Manoharan

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Trichy District.
- 3.The Tahsildar,
Mannachanallur Taluk,
Trichy District.
- 4.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Trichy District.
- 5.The Executive Officer,
Arulmighu Krishnan Varadharaja Perumal Thirukovil,
Edumalai Village,
Mannachanallur Taluk,
Trichy District.



W.P.(MD)No.22040 of 2024

6.The Block Development Officer,
Mannachanallur Panchayat Union,
Trichy District.

7.The President,
Edumalai Village Panchayat,
Mannachanallur Taluk,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 2, 4 and 5 to de-seal the library premises comprised in Old Survey No.274/15 and New Survey No. 522/1 situated at Edumalai Village, Mannachanallur Taluk, Trichy District.

For Petitioner : Mr.T.Lenin Kumar

For R-1 to R-4 : Mr.K.S.Selva Ganesan
Additional Government Pleader

For R-5 : Mr.V.Chandrasekar

For R-6 and R-7 : Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

The present Writ Petition is filed praying for a Mandamus, directing the respondents 2, 4 and 5 to de-seal the library premises comprised in Old Survey No.274/15 and New Survey No.522/1 situated at Edumalai Village, Mannachanallur Taluk, Trichy District.



W.P.(MD)No.22040 of 2024

WEB COPY

2. It submitted by the learned counsel for the petitioner that in this is the second round of litigation. In earlier round, the very same petitioner has filed a Writ Petition in W.P.(MD)No.11488 of 2024 challenging the proceedings under Section 78 of Hindu Religious and Charitable Endowments Act and this Court vide order dated 29.05.2024 dismissed the Writ Petition on the premise that there is an effective alternative remedy of filing a revision under Section 21 of the Act, before the Commissioner.

3. It is further submitted by the learned counsel for the petitioner that pursuant to the above order, the petitioner had filed a revision petition under Section 21 of the Act before the Commissioner of HR and CE Department. The subject property/building in question is a library and it has been sealed during the pendency of the above revision petition. It is also submitted that an interim application was filed in the above revision petition. However, the same was denied by the learned counsel for the respondent authorities stating that thus far no interim application has been filed, while submitting that if interim application is filed and if it is in order, the same would be numbered and disposed of expeditiously.



W.P.(MD)No.22040 of 2024

4. In the circumstances, if interim application has already been filed and if it is in order, the same would be numbered and shall be considered by the respondent authorities, within a week from the date of receipt of a copy of this order. However, if no interim application has been filed so far, the petitioner is at liberty to file an interim application. If any such application is filed and if it is in order, the same would be numbered and shall be considered by the respondent authorities, within a period of ten days from the date of filing of such application.

5. Accordingly, this Writ Petition is disposed of. No costs.

18.09.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

Nsr

Note: Issue Order Copy on 18.09.2024.



W.P.(MD)No.22040 of 2024

To:

WEB COPY

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Trichy District.
- 3.The Tahsildar,
Mannachanallur Taluk,
Trichy District.
- 4.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Trichy District.
- 5.The Executive Officer,
Arulmighu Krishnan Varadharaja Perumal Thirukovil,
Edumalai Village,
Mannachanallur Taluk,
Trichy District.
- 6.The Block Development Officer,
Mannachanallur Panchayat Union,
Trichy District.
- 7.The President,
Edumalai Village Panchayat,
Mannachanallur Taluk,
Trichy District.



WEB COPY



W.P.(MD)No.22040 of 2024

MOHAMMED SHAFFIQ, J.

Nsr

W.P.(MD)No.22040 of 2024

18.09.2024