



W.P(MD)No.28724 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.28724 of 2024

and

W.M.P.(MD)Nos.24348 & 24352 of 2024

V.Ravi

... Petitioner

Vs.

1.The Joint Commissioner,
Tamil Nadu Hindu Religious
and Charitable Endowment Department,
Dindigul.

2.The Inspector,
Tamil Nadu Hindu Religious
and Charitable Endowment Department,
Gujiliamparai Taluk, Dindigul District.

... Respondents

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 of the 2nd respondent dated 12.11.2024 in proceedings Nil, quash the same, as the same is arbitrary, ultravires in excess of powers conferred under Sections 63 and 110 of Tamil Nadu Hindu Religious and Charitable Endowments Act 22/1959.

For Petitioner : Mr.R.G.Shankar Ganesh,
for M/s.RGS Law Firm

For Respondents : Mr.P.Subbaraj,
Special Government Pleader



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ORDER

Challenge in this Writ Petition is to the notice issued by the 2nd respondent, calling upon the petitioner to attend for an enquiry that has been proposed to be conducted under Section 63(b) of the Tamil Nadu Hindu Religious and Charitable Endowments Act 22/1959 (hereinafter referred to as 'the Act').

2.It is the case of the petitioner that the petitioner had preferred an appeal in O.A.No.35 of 2023 before the 1st respondent under Section 63(b) of the Act to declare that the trusteeship held by him and others is to be hereditary. He would submit that the power vested under Section 63(b) of the Act is only available either to the Joint Commissioner or the Deputy Commissioner as the case may be. In the present case, the Inspector, Hindu Religious and Charitable Endowment Department / 2nd respondent had issued the notice on the said appeal for conducting an enquiry on 23.11.2024. Hence, he had approached this Court.

3.At the outset, the power under Section 63(b) of the Act to conduct an enquiry is only vested with the Joint Commissioner or the Deputy Commissioner. In the present case, the petitioner had approached the 1st



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respondent / Joint Commissioner for conducting enquiry under Section 63(b) of the Act. When that being so, the 2nd respondent does not have any authority to issue notice for conducting enquiry by himself. There is no delegation of power under the statute vesting powers with the 1st respondent to delegate his power to conduct enquiry under Section 63(b) of the Act. In such view of the matter, the impugned order of the 2nd respondent is set aside and the 1st respondent is directed to conduct enquiry in O.A.No.35 of 2023 and complete the same within a period of six months from the date of receipt of a copy of this order.

4.This Writ Petition is allowed with the aforesaid direction. No costs.

Consequently, connected miscellaneous petitions are closed.

02.12.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

1.The Joint Commissioner,
Tamil Nadu Hindu Religious
and Charitable Endowment Department,
Dindigul.



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K.KUMARESH BABU, J

Yuva

2.The Inspector,
Tamil Nadu Hindu Religious
and Charitable Endowment Department,
Gujiliamparai Taluk, Dindigul District.

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