



W.P.(MD) No.3150 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.3150 of 2023

and

W.M.P.(MD) Nos.2926 and 2927 of 2023

1.V.Ponselvan

2.S.Sundararaj

3.S.Kandasamy

.. Petitioners

Vs.

1.The Joint Commissioner,
HR & CE Department,
Thoothukudi District.

2.The Assistant Commissioner,
HR & CE Department,
Thoothukudi District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records relating to the impugned order of the 2nd respondent in Se.Mu.Na.Ka.No. 5986/2022/Aa1 dated 23.11.2022 and quash the same.

For Petitioner : Mr.C.Swamy



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For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

The primordial contention in challenging the impugned order is that prior to exercise of powers under Section 49(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, no notice had been given to the petitioner, who is the Administrative Trustee of the temple.

2. A perusal of the order impugned also do not refer any such notice that had been issued by the second respondent to the petitioner and it only refers to a report filed by the Inspector, Sathankulam, dated 05.11.2022 and the present impugned order had been passed on 23.11.2022. In view that such order had been made in violation of the principles of natural justice, I am inclined to interfere with the same.

3. In fine, this Writ Petition is allowed and the impugned order is set aside, however with liberty to the second respondent to proceed



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afresh, after issuing necessary notice to the petitioner or any other interested persons and pass orders on merits and in accordance with law. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

22.01.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

- 1.The Joint Commissioner,
HR & CE Department,
Thoothukudi District.
- 2.The Assistant Commissioner,
HR & CE Department,
Thoothukudi District.



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K.KUMARESH BABU, J.

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