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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.31514 of 2024
and
W.M.P.(MD)No.26396 of 2024

1.R.Amirtha Gowri
2.V.Thalani
3.V.Priyadharshini ...Petitioners

Vs

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam,
Chennai – 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Arulmigu Koodalagar Thirukkovil,
Madurai – 1.

3.The Assistant Commissioner/Executive Officer,
Hindu Religious and Charitable Endowments Department,
Arulmigu Koodalagar Thirukkovil,
Madurai – 1. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned notice issued by the third respondent in Na.Ka.No.467/2024/Aa3 dated 14.12.2024 and quash the same.

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For Petitioners : Mr.P.Gunasekaran

For R-1 and R-2 : Mr.P.Subbaraj
Special Government Pleader

For R-3 : Mr.S.Manohar

O R D E R

Heard Mr.P.Gunasekaran, learned counsel for the petitioners, Mr.P.Subbaraj, learned Special Government Pleader for the respondents 1 & 2 and Mr.S.Manohar learned counsel for the 3rd respondent.

2. The present Writ Petition is filed challenging the impugned notice issued by the third respondent dated 14.12.2024.

3. The case of the petitioners is that the petitioners are not tenant under the temple and only their paternal uncle is a tenant. Therefore, the proceedings under Section 79 of HR and CE Act cannot be initiated against the petitioner. The present notice had been issued by indicating the provisions of Section 79(c) of the Act would be initiated by the appropriate authority against the petitioners.

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4. In such view of the matter, I do not find any necessity to indulge with the present order impugned in this Writ Petition. If the appropriate authority viz., the second respondent initiates any action as per the impugned notice herein, the petitioners will be at liberty to raise all issues on merits and in accordance with law.

5. With the above liberty, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

06.01.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam, Chennai – 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Arulmigu Koodalagar Thirukkovil,
Madurai – 1.

3.The Assistant Commissioner/Executive Officer,
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K.KUMARESH BABU, J.

Nsr

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