

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2015

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Crl.R.C.No.1137 of 2014 and M.P.No.1 of 2014

And

Crl.R.C.Nos.1127 and 1128 of 2014

1.N.R.Dave

2.Sree Gopal Jhaver

...Petitioners in all Crl.R.Cs.

Vs.

K.Chitradevi

...Respondent in all Crl.R.Cs.

Prayer in Crl.R.C.No.1137 of 2014:

Criminal Revision Case filed under Sections 397 and 401 of the Criminal Procedure Code praying to call for the records relating to the ex parte order dated 24.09.2014 passed by the VIIIth Metropolitan Magistrate, George Town, Chennai in Crl.M.P.No.1024 of 2013.

Prayer in Crl.R.C.No.1127 of 2014:

Criminal Revision Case filed under Sections 397 and 401 of the Criminal Procedure Code praying to set aside the order dated 23.09.2014 passed by the VIIIth Metropolitan Magistrate, George Town, Chennai rejecting the Petition filed in Crl.M.P.No.Nil of 2014 in Crl.M.P.No.1024 of 2013 to set aside the ex parte order dated 01.07.2013 passed in Crl.M.P.No.1024 of 2013 against the petitioners herein.

Prayer in Crl.R.C.No.1128 of 2014:

Criminal Revision Case filed under Sections 397 and 401 of the Criminal Procedure Code praying to set aside the order dated 23.09.2014 passed by the VIIIth Metropolitan Magistrate, George Town, Chennai rejecting the Petition filed in Crl.M.P.No.Nil of 2014 in Crl.M.P.No.1024 of 2013 to condone the delay in filing the petition to set aside the ex parte order passed in Crl.M.P.No.1024 of 2013 against the petitioners herein.

For Petitioners : Mr.R.Sankarappan

For Respondent : Mr.Purushothaman Das Jain

C O M M O N O R D E R

The brief facts of the case is that since there was some difficulty in the management of the Arulmighu Radhakrishnan Mandir by the petitioners herein, they were suspended and the respondent herein was appointed as the fit person by the Joint Commissioner of the Hindu Religious and Charitable Endowments Department. Pursuant to the order of the Joint Commissioner, HR and CE., the respondent attempted to take possession and charge of all the properties and management of the said Mandir and the petitioners are alleged to have refused to hand over possession and charge of all the properties on the ground that they have filed W.P.No.6253 of 2012. Hence the respondent sought legal opinion and an opinion stating that as there is no stay or injunction granted in favour of the petitioners herein in the writ petition, recourse under Section 101 of the HR and CE Act could be sought and on receipt of such opinion the Joint Commissioner, HR and CE communicated the respondent herein to take possession and administration of the Mandir and for that the respondent was also authorized to seek the help of Court. Hence, the respondent filed Crl.M.P.1024 of 2013 before the VIIIth Metropolitan Magistrate, George Town, Chennai. The learned VIIIth Metropolitan Magistrate, George Town, Chennai by an order dated 24.09.2014 allowed the Crl.M.P.1024 of 2013. Hence, the revisions.

2.Heard both sides.

3.Today, when the revisions are taken up for hearing, the learned counsel for the petitioners fairly submitted that the petitioners have handed over charge of all the properties in respect of Arulmighu Radhakrishnan Mandir to the respondent even on 30.09.2014 itself and these cases were filed only thereafter. Therefore, the revisions at this stage is not maintainable and would further contend that any enquiry if at all is pending before the Joint Commissioner, HR and CE Department in respect of suspension of the petitioners, it may be directed to be disposed of at an early date.

4.In view of the submission made by the learned counsel for the petitioners, these revisions are dismissed as not maintainable at this stage making it clear that enquiry, if any, pending before the Joint Commissioner, HR and CE Department in respect of suspension of the petitioners shall be disposed of as expeditiously as possible

after giving opportunity of hearing to all the concerned parties.
Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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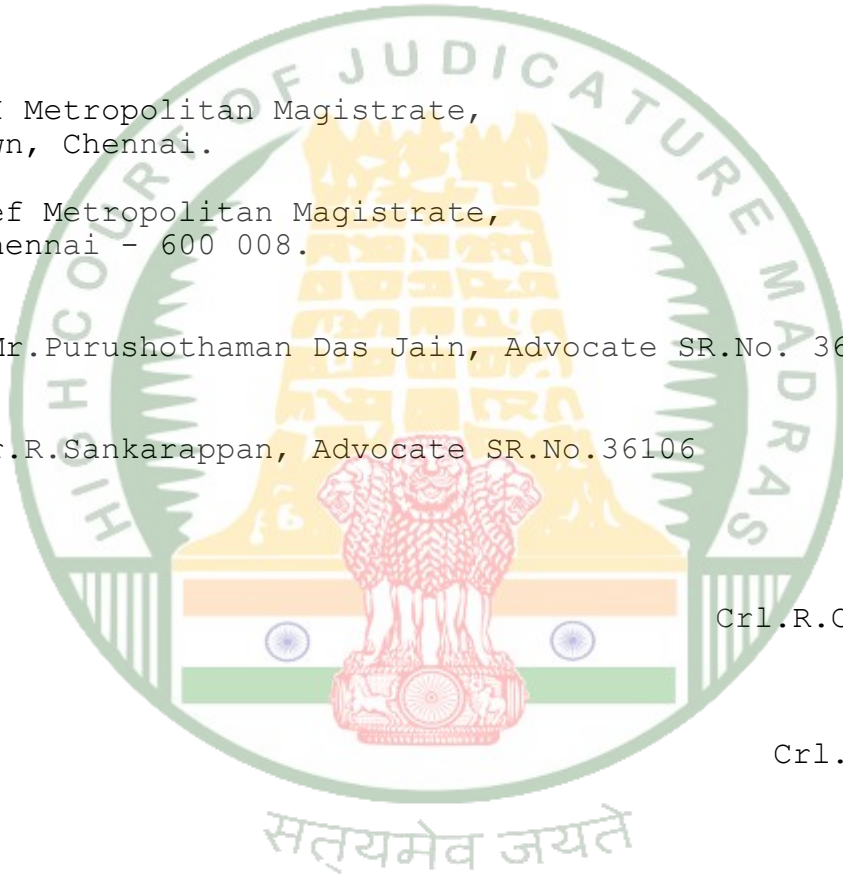
To

1.The VIII Metropolitan Magistrate,
George Town, Chennai.

2.The Chief Metropolitan Magistrate,
Egmore, Chennai - 600 008.

6 CCs to Mr.Purushothaman Das Jain, Advocate SR.No. 36393, 39395,
36394

1 CC to Mr.R.Sankarappan, Advocate SR.No.36106



Crl.R.C.No.1137 of 2014
and
M.P.No.1 of 2014
And
Crl.R.C.Nos.1127 and
1128 of 2014

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