

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

W.A. No.1415 of 2015 and M.P. No.1 of 2015

M. Bharathidasan

Appellant/Petitioner

vs.

1 The Joint Commissioner
Hindu Religious & Charitable Endowment Department
Nungambakkam
Chennai 600 034

2 The Assistant Commissioner
Hindu Religious & Charitable Endowment Department
Nungambakkam
Chennai 600 034

3 The Executive Officer/Thakkar
Arulmigu Solai Amman Thirukoil
Ayanavaram
Chennai 600 023

4 V. Ayyavoo

5 S. Anb hazhagan

6 N. Udayakumar

7 K. Shanmugasundaram

8 A. Sampath

Respondents/Respondents

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Writ Appeal preferred under Clause 15 of the Letters Patent challenging the order dated 27.08.2015 passed in W.P. No.26815 of 2015.

WP.No.26815 of 2015:Petition presented under Art 226 of the Constitution of India to issue a Writ of Certiorari to Call for the entire records relating to the impugned order passed by the 3rd respondent in her proceedings No.Nil dated 19.08.2015 and quash the same

For appellant Mr. C. Prakasam

JUDGMENT

(delivered by SATISH K. AGNIHOTRI, J.)

This intra-Court appeal is directed against the order dated 27 August 2015 rendered in W.P. No.26815 of 2015.

2 For the sake of brevity, clarity and convenience, the parties are referred to as per their rank in the instant intra-Court appeal.

3 The facts in nutshell, leading to the filing of the intra-court appeal are that the third respondent, viz., the Executive Officer of the temple in question, by proceedings dated 19 August 2015, enlisted 15 persons, including respondents 4 to 8, to assist him for conduct of Kumbhabhishekam and its follow-up festival. In the said proceedings, it was made clear that said 15 persons will not be entitled to any other benefit. It was further made clear therein that in connection with the temple festival, they should not maintain hundials or collect donations and that all the expenses in regard thereto should be met only through the third respondent. The appellant came up with the instant writ petition, seeking a writ of certiorari, questioning the correctness of the said proceedings. The learned Single Judge, recording the purpose of the said impugned order, i.e., to support and extend assistance to the third respondent, dismissed the writ petition. Thus, this intra-Court appeal.

4 In the writ petition, the appellant has sought a writ of certiorari, which is available only when an element of any adjudication by way of quasi-judicial proceeding is involved. In the case on hand, the impugned proceedings dated 19 August 2015 was neither a judicial decision nor a decision taken in exercise of quasi judicial authority, but, is only an administrative order. To be precise, the said proceedings was drawn out for the purpose of enlisting certain devotees who seem to be committed to religious work for the purpose of rendering help and assistance to the third respondent. The appellant has failed to establish any legal right

which is alleged to have been infringed, thereby, calling for indulgence of this Court, in exercise of its extra-ordinary jurisdiction under Article 226 of the Constitution of India.

5 On consideration of the submissions made by the learned counsel for the appellant and also on a perusal of the documents and pleadings appended thereto, we are of the considered view that the writ petition is frivolous, vexatious and involves waste of Court's time. Such a frivolous and vexatious petition is liable to be dismissed at the threshold. We must make it clear that the practice of filing such a case be deprecated and discouraged.

6 Resultantly, not only this intra-Court appeal is dismissed, but also, the writ petition is dismissed. Costs made easy. Connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar(co)

True Copy

Sub-Assistant Registrar

cad
To

- 1 The Joint Commissioner
Hindu Religious & Charitable Endowment Department
Nungambakkam
Chennai 600 034
 - 2 The Assistant Commissioner
Hindu Religious & Charitable Endowment Department
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 - 3 The Executive Officer/Thakkar
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- +1 cc to Mr.C.Prakasam Advocate sr.51962

W.A. No.1415 of 2015

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