

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2015

CORAM

THE HON'BLE Mr. JUSTICE K.KALYANASUNDARAM
AND
THE HON'BLE MR. JUSTICE S.VAIDYANATHAN

WA.No.1807 of 2015 & MP.No.1 of 2015

The Executive Officer
Arulmighu Velliangiri Suyambu Andavar Temple,
Poondi, Coimbatore Taluk and District.

... Appellant/4th
respondent

Vs.

1.D.Senthilkumar

...1st Respondent/Writ
petitioner

2. The Chief Secretary
Government of Tamil Nadu
Fort St Geroge, Chennai 600 009.

3. The District Collector
Coimbatore District, Coimbatore.

4. The Commissioner
Hindu Endowments & Charitable Trust
Mahatma Gandhi Road, Nungambakkam
Chennai 600 034.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the interim order dated 22.12.2015 made in WP.No.40209 of 2015 presented under Article 226 of Constitution of India, pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or direction in the nature of a Writ directing the 4th Respondent Executive Officer, Arulmigu Velliangiri Suyambu Andavar Thirukoil, Poondi, Coimbatore Taluk and District Collector under consequential direction to the superior authorities to immediately handover the key to the poojari of the aforesaid temple immediately forthwith in the light of the representation dated 22.10.2015.

For Appellant : Mr.K.V.Dhanapalan
For Respondents 2 to 4 : Mr.P.Sanjay Gandhi,
Additional Government Pleader
For Writ Petitioner : Mr.P.Ayyasamy

JUDGMENT

[Judgment of the Court was made by S.VAIDYANATHAN, J.]

The above writ appeal has been filed by the appellant [4th respondent in WP.No.40209/2015] against the order passed by the learned Single Judge of this Court on 22.12.2015.

2. Heard the learned counsel for the appellant ; Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing for the respondents 2 to 4 and Mr.Ayyasamy, learned counsel for the 1st respondent / writ petitioner.

3. After hearing the arguments advanced on either side, this Court is of the view that the present writ appeal is not maintainable as the appellant has to file only a vacate stay petition as against the interim order passed by the learned Single Judge in WP.No.40209/2015 on 22.12.2015 and the contention of the learned counsel for the appellant that a writ appeal can directly be filed as against the interim order passed in the writ petition instead of filing a vacate stay petition, stands rejected.

4. Accordingly, the writ appeal stands dismissed. No costs. However, the petitioner is at liberty to file a vacate stay petition as against the said interim order and get appropriate orders in the said vacate stay petition.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

AP

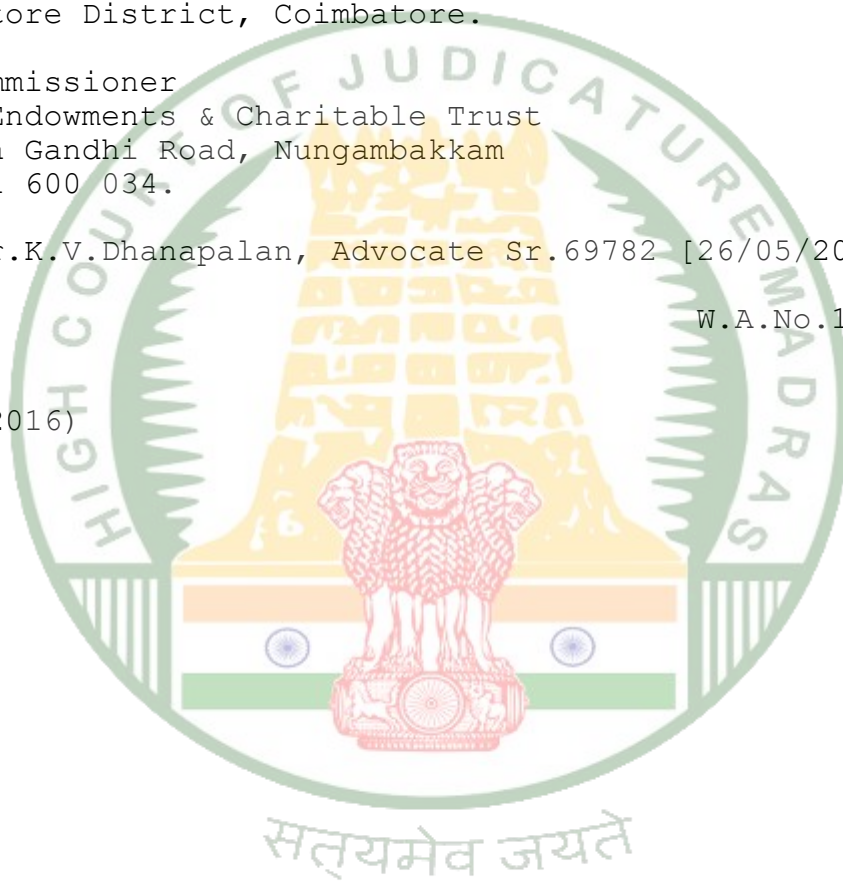
To

1. The Executive Officer
Arulmighu Velliangiri Suyambu Andavar Temple,
Poondi, Coimbatore Taluk and District.
2. The Chief Secretary
Government of Tamil Nadu
Fort St Geroge, Chennai 600 009.
3. The District Collector
Coimbatore District, Coimbatore.
4. The Commissioner
Hindu Endowments & Charitable Trust
Mahatma Gandhi Road, Nungambakkam
Chennai 600 034.

+1cc to Mr.K.V.Dhanapalan, Advocate Sr.69782 [26/05/2016]

W.A.No.1807 of 2015

KSJ(CO)
CA(08/01/2016)



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