

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.02.2018

Coram

THE HONOURABLE **Mr. JUSTICE M.VENUGOPAL**
AND
THE HONOURABLE **Mr. JUSTICE S.VAIDYANATHAN**

C.M.P.No.22484 of 2017
in W.A.No.SR96164 of 2017

M.Senthil Kumar

.. Petitioner

Vs.

- 1.S.Narasimha Bhattachari
Hereditary Trustee of
a/m Kariamannick Perumal Temple,
Ayanavaram, 18/7,
Bhattachari Street, Ayanavaram,
Chennai – 600 023
2. The Commissioner,
Hindu Religious & Charitable Endowment,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 600 034
3. The Joint Commissioner,
Hindu Religious & Charitable Endowment
Department, No.119, Uthamar
Gandhi Salai, Nungambakkam,
Chennai – 600 034
4. The Assistant Commissioner,
Hindu Religious & Charitable Endowment
Department, No.119, Uthamar
Gandhi Salai, Nungambakkam,
Chennai – 600 034

5. The Fit Person / Executive Officer,
A/m, Thiruvalléeswarar Thirukkoil
Padi, Chennai – 50

6. S.Ramasamy Bhattachari

7. S.Gopalakrishna Bhattachari

..Respondents

Prayer: Civil Miscellaneous Petition filed under Section 151 CPC to Grant Leave to the Petitioner to file an Appeal against the Order passed by the Learned Judge in W.M.P.No.29959 of 2017 in W.P.No.22533 of 2017.

For Petitioner : Mr.S.Venkatesh

For Respondents : Mr.V.Srikanth for R1
Mr.M.Maharaja for R2 to R4
Spl. Govt. Pleader for HR & CE
Mr.A.K.Sriram for
M/s A.S.Kailasam for R5
Additional Government Pleader
Mr.M.Alagu Narayanan for R6 and R7

ORDER

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

Against the Interim Order passed by the Learned Single Judge in W.M.P.No.29959 of 2017 in W.P.No.22533 of 2017 dated 14.11.2017 and also to implead the petitioner herein in the Writ Petition, the present C.M.P.No.22484 of 2017 has been filed seeking to Grant Leave of this Court to file a Writ Appeal.

2. Heard the learned counsel on either side and perused the documents placed on record.

3. Admittedly, the order passed by the Learned Single Judge is only in W.M.P. Whether, the agreement arrived between the parties is correct or not, can be canvassed by the petitioner herein in the Writ Petition. On a perusal of the Notice of the Joint Commissioner dated 13.05.2015, it is very clear that the Petitioner is the complainant. It is needless to mention that the complainant has to be heard. The Complainant is the person, who will bring the correct facts to the authority / Court about the violations / irregularities committed by other persons.

4.As the Writ Petition is pending and that it is only an Interim arrangement, and though the petitioner drew the attention of this Court to the order passed by the Commissioner, HR and CE Department dated 07.08.2017 under Section 53(5) of the Tamilnadu H.R. & C.E. Act, 1959, without rendering any finding on the said order, as the matter is sub judice before the Learned Single Judge, this Court is not inclined to Grant Leave in the present C.M.P., as nothing prevents the petitioner

from filing a petition to implead him in the Writ Petition and thereafter to seek appropriate modification or any other order of his choice in accordance with Law.

With the aforesaid observation, this Civil Miscellaneous Petition is disposed of. Consequently, W.A.No.Sr96164 of 2017 is rejected.

(M.V.J.)

(S.V.N.J.)

06.02.2018

Index :Yes / No
Internet :Yes / No
ssd

To

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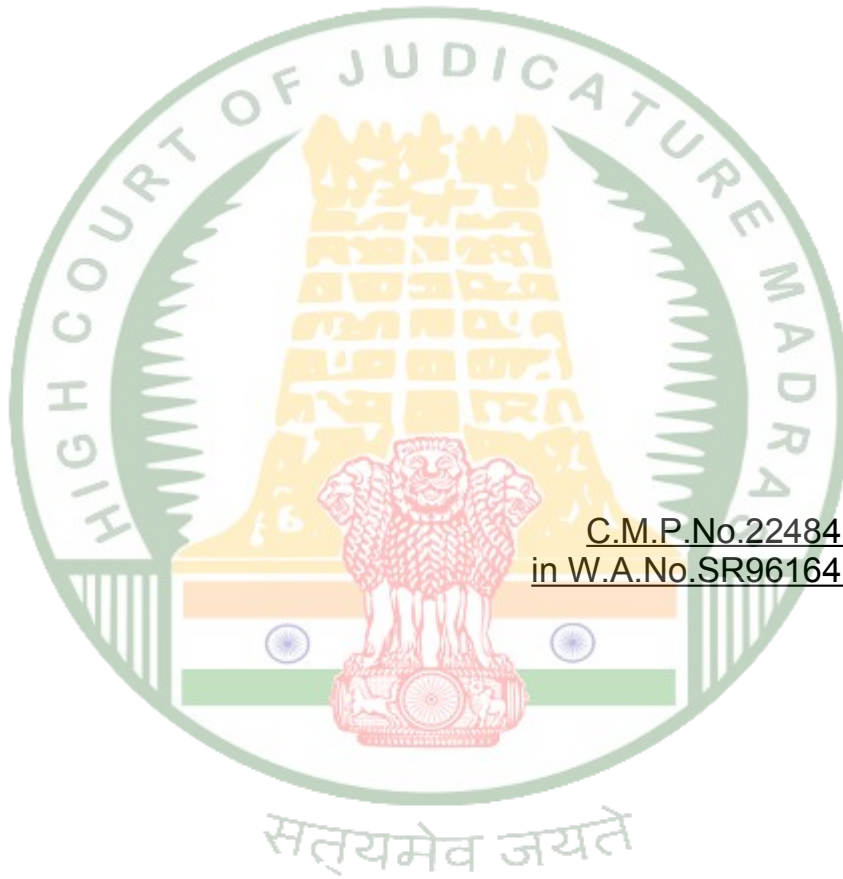
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M.VENUGOPAL, J.
and
S.VAIDYANATHAN, J.

ssd



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