

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.31137 of 2015

and

M.P.No.1 of 2015

K.Chenniappan

... Petitioner

-Vs-

1. The Joint Commissioner,
O/o.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Dr.Balasundaram Road, Coimbatore.

2. Arulmigu Venugopala Krishnasamy Thirukoil,
rep by its Executive Officer,
Sulliavan Street, Coimbatore - 1.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st respondent herein to number the petitioner's preliminary objection petition dated 30.03.2015 in M.P.No.1 of 2015/A1 dated 23.01.2015 on the file of the 1st respondent herein to hear the same before proceeding with the main case in M.P.No.1 of 2015/A1 dated 23.01.2015 on the file of the 1st respondent herein.

For Petitioner : Mr.G.Karthikeyan

For Respondents : Mr.K.V.Dhanapalan,
Additional Government Pleader

WEB COPY
O R D E R

From the records, it is seen that the petitioner has filed a suit in O.S.No.1970 of 2014 on the file of the District Munsif Court, Coimbatore, seeking relief of permanent injunction. The petitioner has also obtained an order of interim injunction in the pending suit. Thereafter, the petitioner filed an application in the proceedings initiated by the respondent no.1 under Section 78 of the Hindu Religious and Charitable Endowments Act raising a

preliminary objection. As the said application has not been taken up, the present Writ Petition has been filed.

2.This Court does not find any reason to entertain this Writ Petition. The effect, scope and applicability of the Civil Suit is a matter to be decided by the respondent no.1. Admittedly, the respondent no.1 is not a party to the suit. Therefore, there is no legal right for the petitioner to insist that the issue raised by the petitioner, qua during the pendency of the Civil Suit with an interim order in force, has to be decided as a preliminary issue.

3.Accordingly, the Writ Petition is disposed of by directing the respondent no.1 to consider the preliminary issue sought to be raised by the petitioner in the final orders to be passed under Section 78 of the Hindu Religious and Charitable Endowments Act. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Deputy Registrar(J)

//True Copy//

Sub Assistant Registrar

va

To

1. The Joint Commissioner,
O/o.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Dr.Balasundaram Road, Coimbatore.
2. The Executive Officer,
Arulmigu Venugopala Krishnasamy Thirukoil,
Sulliavan Street, Coimbatore - 1.

+1cc to Mr.G.Karthikeyan, Advocate, S.R.No.53947

+1cc to the Government Pleader, S.R.No.54059

RV(CO)
CA(14/10/2015)

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