

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.8700 of 2015

Nattanmai K.S.Ellappa Mudaliar

.. Petitioner

Versus

The Joint Commissioner
HR&CE Administration Department
Salem.

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the respondent to pass orders on the application in OA.No.2/2013 dated 19.09.2012 filed by the petitioner and others filed u/s.6[11] and 63[B] of the Tamil Nadu Hindu Religious and Charitable Endowment Act XXII of 1959.

For Petitioner : Mr.S.Doraisamy

For Respondent : Mr.M.L.Mahendran,
Government Advocate.

ORDER

Heard Mr.S.Doraisamy, learned counsel appearing for the petitioner and Mr.M.L.Mahendran, learned Government Advocate accepting notice for the respondent and with their consent, the writ petition itself is disposed of at the admission stage itself.

2.The petitioner has filed this writ petition seeking for issuance of a writ of mandamus to direct the respondent to pass orders on the application in OA.No.2/2013 dated 19.09.2012 filed by the petitioner and others filed u/s.6[11] and 63[B] of the Tamil Nadu Hindu Religious and Charitable Endowment Act XXII of 1959.

3.According to the petitioner, though the enquiry in OA.No.2/2013 has been concluded on 28.02.2013, no final orders have been passed and therefore, the petitioner is before this Court by way of filing the present writ petition with the aforementioned prayer.

4.Learned Government Advocate, on instructions, submitted that the enquiry has already been completed and the arguments have been heard.

5.If that be the case, the respondent should pass a final order. In terms of the Code of Civil Procedure, the Civil Courts are also duty bound to pass orders within a reasonable time. In cases where the Interlocutory Applications are considered and ex-parte interim orders are granted, the Court has to dispose of the same within a period of 30 days. In such circumstances, it is not known as to why the respondent has not passed any final orders though the enquiry was concluded in February 2013.

6.In the light of the above, if there is no other legal impediment for the respondent to pass final orders in OA.No.2/2013, there will be a direction to the respondent to pass final orders in OA.No.2/2013 based on the arguments which were advanced and the materials placed before him within a period of three weeks from the date of receipt of a copy of this order.

7.The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

The Joint Commissioner
HR&CE Administration Department
Salem.

+1 cc to Mr.S.Doraisamy, Advocate,SR.17379.

+1 cc to Government Pleader,SR.17429.

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