



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2015

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition (MD)No.18671 of 2014

Saravana Pandian ... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable
Endowment Department, Chennai 600 034.
- 2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Administration Department, Madurai 625 001.
- 3.A.Sivaji Poosari,
Managing Trustee,
Arulmigu Pandi Muneeswarar Kovil,
Melamada, Madurai ... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the second respondent in Na.Ka.No.8125/2013/B1, dated 29.10.2014 and quash the same.

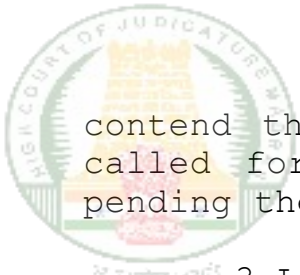
For Petitioner : M/s.J.Anandhavalli
For Respondents 1&2 : Mr.V.R.Shanmuganathan,
Special Government Pleader.
For 3rd Respondent : Mr.V.Sitharanjandas

O R D E R

When the matter came up for hearing, learned counsel for the petitioner brought to the notice of this Court that W.P(MD) No.4366 of 2009 based on which the present impugned order has been passed itself has been withdrawn. Therefore, the present impugned order lacks jurisdiction. The main contention of the petitioner is that the petitioner has to be recognised as a hereditary trustee in the place of his father who died on 21.08.2013. It is further submitted that on the basis of the interim order passed in the earlier writ petition, notice was issued by the third respondent and therefore, the appointment of the petitioner was withdrawn and now that has become totally infructuous in view of the very writ petition itself has been withdrawn. Therefore, nothing survives insofar as the order impugned is concerned as the order itself has gone.

<https://hsrvtss.ecourt.gov.in/eservices/>

2.Learned counsel for the third respondent submitted that W.P(MD)No.4366 of 2009 has been withdrawn. He would further



contend that by an order dated 18.06.2014, the Commissioner has called for the entire records from the Joint Commissioner but pending the same, the present impugned order has been passed.

3.Learned Special Government Pleader for the respondents 1 and 2 would contend that, the present impugned order was passed only because of the stay order granted by this Court.

4.Heard the learned counsel appearing for the respective parties.

5.The grievance of the petitioner is that the petitioner's recognition under Section 54(1) of the H.R.& CE Act, 1959 as hereditary trustee was withdrawn only on the basis of the interim order granted by this Court in W.P.(MD)No.4366 of 2009. But now that very writ petition has been withdrawn and the order no more is available. Since the impugned order is only on the basis of the interim order granted in the said writ petition and when the writ petition has been dismissed as withdrawn, the order impugned in this writ petition has no legs to stand as on date. Therefore, the impugned order is set aside and the matter is remitted back to the Joint Commissioner who shall pass appropriate orders afresh pursuant to his earlier order.

6.The writ petition is accordingly allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

1.The Commissioner,
Hindu Religious and Charitable
Endowment Department, Chennai 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Administration Department,
Madurai 625 001.

+One cc to M/s.J.Anandhavalli, Advocate, SR.N.642

+One cc to M/s.V.Sitharanjandas, Advocate, SR.No.787

+One cc to The Special Government Pleader, SR.No.966

sms

RL/6c - 21/1/2015

Writ Petition (MD)No.18671 of 2014

07.01.2015