



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.11.2015
CORAM :
THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P(MD)No.21253 of 2015
and M.P.(MD) No. 1 of 2015

WEB COPY

Sri Vadapathirakaliamman Trust
Represented by its Trustee
C.Balakrishnan
2nd Gate,
Tuticorin Town.

... Petitioner

Vs.

1.The Joint Commissioner of HR & CE Department,
Kulavanigarpuram, Palayamkottai,
Tirunelveli - 2.

2.The Assistant Commissioner,
HR & CE Department,
Thoothukudi.

3.The Executive Officer(Fit Person),
Arulmigu Sankara Rameswaran Temple,
Thoothukudi.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents particularly the third respondent not to interfere with the administration of the temple by the petitioner till the disposal of the revision in R.P.No.1 of 2015 on the file of the Joint Commissioner HR & CE, Tirunelveli, the first respondent herein against proceedings in Se.Mu.Na.Ka.NO.1280/2012/A1/ dated 26.12,2014 appointing fit person in respect of Arulmigu Vadabathirakaliamman Thirukovil, Thoothukudi Town in accordance with law and pass such further or other orders as this Court may deem fit and proper in the facts and circumstances of the case.

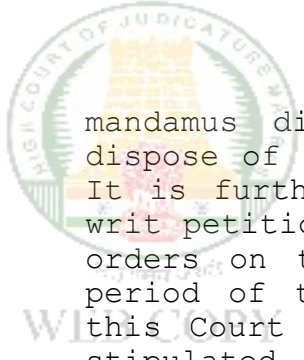
For Petitioner	: Mr.S.Siva Thilakar
For R1 & R2	: Mr.T.S.Mohammed Mohideen Additional Government Pleader
For R3	: Mr.Muthu Geethaiyan

O R D E R

Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader takes notice for the respondents 1 and 2 and Mr.Muthu Geethaiyan, learned counsel takes notice for the third respondent.

2.By consent of parties, the main writ petition is taken up for final disposal.

3. The petitioner's Trust seeks for mandamus directing the third respondent not to interfere with the administration of the subject matter temple till the disposal of the revision filed by the petitioner in R.P.No.1 of 2015 challenging the order of appointment of fit person by the second respondent dated 26.12.2014. It is seen that the very same writ petitioner filed W.P.No.10709 of 2015 before this Court seeking for



mandamus directing the Joint Commissioner, HR & CE, Tirunelveli, to dispose of the revision in R.P.No. 1 of 2015 within a stipulated period. It is further seen that on 29.06.2015, this Court disposed of the said writ petition with a direction to the said authority to pass appropriate orders on the revision on merits and in accordance with law within a period of three months. Now the present writ petition is filed before this Court stating that the revision is not disposed of with the time stipulated by this Court and when the revision is pending, the third respondent is trying to interfere with the administration of the temple.

4.The learned counsel for the third respondent submitted that the reason for not disposing the revision within the stipulated time is that a third party filed a impleading petition in the revision at the verge of passing of order in the main revision and consequently the petitioner herein took time to file counter in the said impleading petition and therefore, the revisional authority namely the first respondent is not in a position to dispose of the revision.

5. The learned Additional Government Pleader appearing for the respondents 1 and 2 has not disputed the said fact. However, he submitted that revision will be disposed of within a short time as directed by this Court including the impleading petition filed by the third party.

6. Considering the fact that already a fit person was appointed and challenging the same, the petitioner has gone to the revisional authority namely the first respondent, the present prayer sought for in the writ petition cannot be considered unless and until the revision is disposed of by the first respondent. Therefore, without expressing any view on merits and the contentions raised by the petitioner, I only direct the first respondent to dispose of the revision along with the impleading petition after giving due opportunity to the parties within a period of two months from the date of receipt of a copy of this order on merits and in accordance with law.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar(Co)

/True Copy/

Sub Assistant Registrar.

To

1.The Joint Commissioner of HR & CE Department,Kulavanigarpuram, Palayamkottai,Tirunelveli - 2.

2.The Assistant Commissioner, HR & CE Department,Thoothukudi.

3.The Executive Officer(Fit Person),Arulmigu Sankara Rameswaran Temple, Thoothukudi.

+1CC to Mr.S.Siva Thilagar, Advocate, SR.No. 68911

+1CC to Mr.M.Muthugeethayan, Advocate, SR.No. 68691

+1CC to The Special Government Pleader SR.No. 68522.

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