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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.23152 of 2015

S.Ganesan

... Petitioner

Vs.

1.The Principal Secretary,
Department of Hindu Religious
and Charitable Endowment
St., George Fort,
Chennai.

2.The Commissioner,
Hindu Religious and Charitable
Endowment Board,
Tirunelveli.

3.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Board,
Tirunelveli-2.

4.The Takkar of Temple/Assistant
Commissioner, Thoothukudi.

5.The Executive Officer,
Arulmighu Mutharamman Thirukovil,
Kulasekarapattinam,
Thoothukudi District.

6.Minor Harish
through his mother Mrs.Muthumeenatchy @ Indira,
Archahar Grade -1,Arulmigu Mutharamman Thirukkivil,
Kulasekarapattinam, Thoothukudi District ... Respondents

Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Mandamus, to consider the
petitioner's representation dated 18.11.2015 given to the 1st to 5th
respondents and further direct them to remove the 6th respondent as
he was appointed illegally in the post of Archahar Grade I in
Arulmighu Mutharamman Thirukovil, Kulasekarapattinam, Thoothukudi
District.



For Petitioner : Mr.V.Rajiv Rufus
For Respondents 1-3 : Mr.V.R.Shanmuganathan,
Special Government Pleader takes notice.
For 5th Respondent : Mr.Muthugeethaiyan, takes notice

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ORDER

(Order of the Court was made by **V.RAMASUBRAMANIAN, J.**)

The petitioner who claims to be the President, South District Hindu Makkal Katchi has come up with the above public interest litigation which we do not think, will sub-serve the cause that he professes to have undertaken.

2.Heard Mr.V.Rajiv Rufus, learned counsel for the petitioner. Mr.V.R.Shanmuganathan, learned Special Government Pleader takes notice for the respondents 1 to 3 and Mr.Muthugeethaiyan, learned counsel takes notice for the 5th respondent.

3.This is a very unfortunate case where the appointment of the 6th respondent as the priest has come under challenge for the fourth time at the instance of different persons every time.

4.The appointment of the sixth respondent was first challenged in a public interest litigation in W.P(MD)No.10483 of 2014, but the writ petition was dismissed by a Bench of this Court by an order dated 30.06.2014.

5.The second challenge was made by another person by name, S.Sudalai in W.P(MD)No.15688 of 2014. But the same was also dismissed by another Division Bench of this Court by an order dated 19.09.2014.

6.The unsuccessful petitioner in the second writ petition came up with a review application in Review Application (MD)No.20 of 2015 seeking a review of the order passed in W.P(MD)No.15688 of 2014. But the review application was also dismissed on 24.04.2015. Thereafter, the petitioner has come up with the above public interest litigation.

7.The issue raised in this writ petition has already been settled by two different Benches in two different writ petitions and a review application. Therefore, this is nothing but a proxy litigation by persons with vested interest. Hence, it is dismissed. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar(AE)



To

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and Charitable Endowment
St., George Fort,
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Hindu Religious and Charitable
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Tirunelveli.
3. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Board,
Tirunelveli-2.
4. The Takkar of Temple/Assistant
Commissioner, Thoothukudi.
5. The Executive Officer,
Arulmighu Mutharamman Thirukovil,
Kulasekarapattinam,
Thoothukudi District.

+1cc to Mr.M.Muthugeethayan,Advocate Sr.No.75958

+1cc to Spl.Government Pleader Sr.No.76369

sms

AA/SK-SKN/20.01.2016/3p-8c

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