

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH

AND

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

Writ Appeal No.1242 of 2016
and C.M.P.Nos.16056 and 16057 of 2016

A.Kudiarasu ..Appellant/Petitioner

Vs

1.The District Collector
Thiruvallur
Thiruvallur District

2.The Thasildar
Avadi Taluk
Avadi, Chennai

3.The Commissioner of Police
Greater Chennai, Vepery,
Chennai

4.The Inspector of Police (L&O)
T.10, Thirumullaivoyal Police Station
Chennai

5.The Commissioner
Hindu Religious Endowment Board
Nungambakkam
Chennai-600 034

6.T.Pugazhendhi ..Respondents/Respondents

Prayer : Writ Appeal filed against the order dated 12.08.2016 passed in W.P.No.28224 of 2016.Writ petition filed under section 226 of the constitution WP. 28224/16 of India praying to issue a Writ of certiorari or any other appropriate Writ of direction or order in the nature of a Writ calling for records relating to the order passed by Na. Ka. No. 3549/2016/A.1. dated 24/06/2016 and to quash the same.

For Appellant :: Dr.G.Krishnamurthy
For Respondents:: Mr.S.Pattabiraman,
Govt.Advocate for R1 to R4
Mr.M.Maharaja
Spl.G.P.(HR&CE) for R5

JUDGMENT

(Delivered by HULUVADI G.RAMESH, J.)

Heard the learned counsel for the respective parties.

2. The Writ Petitioner/appellant herein, in W.P.No.28224 of 2016, sought to quash the order of the second respondent dated 24.06.2016 on the ground that the second respondent has no power to pass such an order.

3. The learned Single Judge, after considering the submissions made on both sides, by order dated 12.08.2016, held that the petitioner has an appeal remedy under Section 63 of the Hindu Religious and Charitable Endowments Act and thus dismissed the Writ Peititon. Challenging the said order, this Writ Appeal is filed.

4. The Resolution passed by the second respondent dated 24.06.2016 shows that there was some dispute between the Sri Ananda Venkatesa Perumal and Unnamalai Samedha Annamalayar Thirukovil Trust and Arulmigu Siva VishnuThirukovil Trust in performing Kumbabishekam of Arulmigu Sri Ananda Venkatesa Perumal and Unnamalai Samedha Annamalayar Thirukovil and the said dispute was resolved on 24.06.2016 and both the parties have agreed to coduct the Kumbabishekam of Arulmigu Sri Ananda Venkatesa Perumal and Unnamalai Samedha Annamalayar Thirukovil on 10.07.2016.

5. We have heard the learned counsel for the appellant and also the submissions made by the learned Special Government Pleader appearing for the 5th respondent, who submits that with respect to the very same issue, already this court in W.P.No.20059 of 2016, by order dated 30.06.2016, directed the parties therein to abide by the terms of the arrangement that has been arrived at on 24.06.2016 and further disputes between the parties can be resolved after the Kumbabishekam, scheduled to be held on 10.07.2016, in a manner known to law.

6. The Resolution passed by the Tahsildar is in the academic nature and to maintain peace, law and order and to arrive at a compromise between the two trusts, who were raising serious issues for the conduct of Kumbabishekam.

7. In the backdrop of the above findings, we are not inclined to interfere with the order of the learned Single Judge. Accordingly, the Writ Appeal is disposed of with the direction to the appellant to approach the appropriate forum for further adjudication of the issue. No costs. Consequently, connected CMPs are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nvsri
To

1.The District Collector
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Thiruvallur District

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Chennai

5.The Commissioner
Hindu Religious Endowment Board
Nungambakkam
Chennai-600 034

+lcc to Mr.G. Krishnamurthy, Advocate, S.R.No. 63223
+lcc to Mr.Sai bharath & Law, Advocate, S.R.No.63050
+lcc to the Government Pleader, S.R.No.63307

pvs (CO)
rs (04/01/2017)

W.A.No.1242 of 2016