

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.12.2016

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No.44118 of 2016

Kadambadi Innothy Vagai Kongu Chettiar
Dharmaparibalana Sabai, Rep. by its
General Secretary D.Thirunavukkarasu

.. Petitioner

Vs

1. The Commissioner,
Hindu Religious & Charitable Endowment Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai 600 034.
2. The Joint Commissioner
H.R.& C.E. Admin Department,
Coimbatore Division,
Dr.Balasundaram Road, Coimbatore District 641 018
3. The Assistant Commissioner
H.R.& C.E. Admin Department
Tirupur Division,
Veeraraghava Perumal Temple Campus,
Tirupur 641 604.
4. A/m. Avilanshalingeswarar Temple
Rep.by its Executive Officer,
Avinashi, Tirupur District 641 654

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue writ of Mandamus directing the second respondent to defer further proceedings in M.P.No.109 of 2015/ A1 till the disposal of the transfer petition in R.C.No.61835/2016 pending before the first respondent within a time frame fixed by this Hon'ble Court.

For Petitioner : Mr.V.Srikanth

For Respondents: Mr.R.P.Prathap Singh, Govt. Advocate

ORDER

The prayer in the writ petition is for issuance of writ of Mandamus directing the second respondent to defer further proceedings in M.P.No.109 of 2015/ A1 till the disposal of the transfer petition in R.C.No.61835/2016 pending before the first respondent within a time frame fixed by this Hon'ble Court.

2. The learned counsel appearing for the petitioner submitted that the petitioner has made a transfer application before the first respondent against the proceedings in M.P.No.109 of 2015/A1 before the second respondent. The said application is pending before the the first respondent. In the meantime, the second respondent posted the matter on 23.12.2016 for arguments under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 (TN Act 22 of 1959). Therefore the petitioner has filed the writ petition with the aforesaid prayer to defer the proceedings pending before the second respondent.

3. The learned Government Advocate submitted that the application filed by the petitioner in proceedings in M.P.No.109 of 2015/A1. before the first respondent will be coming up for hearing on 03.01.2017. Therefore without expressing any opinion on the merits of this case the aforesaid M.P. posted for arguments tomorrow shall be deferred till 06.01.2017.

4. Hence I am inclined to pass the following orders:-

i) proceedings in M.P.No.109 of 2015/A1 pending before the second respondent is deferred till decision is taken by the first respondent.

ii) it is open to the first respondent to pass orders in the proceedings in RC.No.61835/2016 as expeditiously as possible, before 06.01.2017.

iii) as undertaken before this Court, the petitioner shall co-operate for the enquiry before the first respondent to be held on 03.01.2017 and also, at any circumstance, shall not seek any adjournment on that day.

Writ petition is disposed with above terms.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Commissioner,
Hindu Religious & Charitable Endowment Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai 600 034.

2. The Joint Commissioner
H.R.& C.E. Admin Department,
Coimbatore Division,
Dr.Balasundaram Road, Coimbatore District 641 018

3. The Assistant Commissioner
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Veeraraghava Perumal Temple Campus,
Tirupur 641 604.

4. The Executive Officer,
A/m. Avilanshalingeswarar Temple
Avinashi, Tirupur District 641 654

+lcc to Mr.V.Srikanth, Advocate, S.R.No.76130

W.P. No.44118 of 2016

(CO)

CS (23/12/2016)



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