



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
and
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Appeal (MD) No.1023 of 2016
and
C.M.P (MD) Nos.6223 and 6224 of 2016

M.Periyathambi

... Appellant/Petitioner

Vs.

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Thanjavur District,
Thanjavur.
2. The District Collector,
Collectorate Building,
Thanjavur District.
3. The Sub Divisional Executive Magistrate cum
Revenue Divisional Officer,
Thanjavur District.
4. The Tahsildar,
Orathanadu,
Thanjavur District.
5. The Sub Inspector of Police,
Vattathikottai Police Station,
Orathanadu Taluk,
Thanjavur District.
6. Palanivel
7. Ravi
8. Panneer Selvam
9. T.Mathiyalagan
- 10.Karunanithi

... Respondents

Appeal filed under Clause 15 of the Letters Patent against the
Order dated 21.04.2016 made in W.P.(MD).No.7750 of 2016 on the file
of this Court.
<https://hcservices.ecourts.gov.in/hcservices/>

Prayer in WP(MD) . 7750/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the Impugned order in O.A.No.3 of 2013 dated 06.01.2016 passed by the 1st Respondent and quash the same as illegal and consequently direct the 2nd to 5th Respondents to convene the Peace Committee Meeting to conduct the car festival in Peramar (பெரமர்) Temple located at Thoppanayagam hamlet at Cenniyaviduthi Village in Survey No.38, Orathanadu Taluk, Thanjavur District.

For Appellant	:	No appearance
For Respondents 1-4	:	Mr.V.R.Shanmuganathan, Special Government Pleader.
For 5 th Respondent	:	Mr.S.Chandrasekar, Government Advocate.

JUDGMENT

(Judgment of the Court was delivered by **NOOTY .RAMAMOHANA RAO, J**)

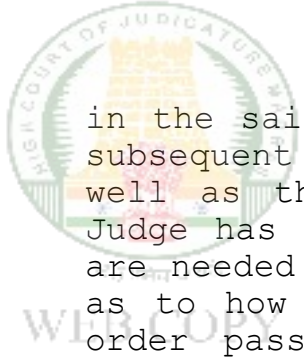
None appears for the appellant.

2.This appeal is filed against the order and judgment rendered on 21.04.2016 by the learned single Judge who decided the writ petition in W.P.(MD)No.7750 of 2016 instituted by this very appellant.

3.It is relevant to note that the respondents 6 to 10 have approached the Joint Commissioner, Hindu Religious and Charitable Endowment, Thanjavur District by instituting O.A.No.3 of 2013 under Section 63 of the Hindu Religious and Charitable Endowment Act, 1959 to declare them as hereditary trustees. That O.A was ordered on 06.01.2016. Challenging the said order, the appellant had instituted a writ petition in W.P.(MD)No.7750 of 2016. On 19.04.2016, the hereditary trustee has given a letter clearly permitting the writ petitioner to participate in the function undertaken by the trustees and also to continue to worship at the temple and also perform the ritual like 'Kedavettu' and the trustees have also undertaken not to hinder or hamper the participants in the rituals at the temple.

4.This apart, the writ petitioner himself has given a solemn undertaking before the learned single Judge stating that he will not create any law and order problem and in that view of the matter, the learned single Judge found that there is no further necessity to pass any order in the writ petition.

5.The Joint Commissioner, H.R. & C.E entertained the said O.A to which the writ petitioner/appellant is a party respondent. But however, the writ petitioner has stayed away from participating



in the said proceedings. In view of this and also in view of the subsequent developments by way of undertaking of the trustees as well as the writ petitioner, in our opinion, the learned single Judge has rightly arrived at the conclusion that no further orders are needed to be passed in the writ petition. We fail to appreciate as to how the appellant herein can still be aggrieved of such an order passed by the learned single Judge. We see no reason to interfere with the order passed by the learned single Judge. Hence, the writ appeal fails and it is dismissed. No costs. Consequently, C.M.P(MD)Nos.6223 and 6224 of 2016 are closed.

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Thanjavur District, Thanjavur.
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Revenue Divisional Officer,
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4. The Tahsildar,
Orathanadu,
Thanjavur District.
5. The Sub Inspector of Police,
Vattathikottai Police Station,
Orathanadu Taluk,
Thanjavur District.

+ 1 CC TO M/S.A.C.ASAITHAMBI, ADVOCATE IN SR No. 35584/16
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 35179/16

SMS

TE/SKS-RR/ : 18/07/2016 : 3P/8C

Writ Appeal (MD) No.1023 of 2016
and

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