



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.12.2016**

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBBIAH**

AND

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.A.[MD].No.1632 of 2016

and

C.M.P(MD).No.12391 of 2016

The Executive Officer,
A/m.Isakki Amman Thirukovil,
Muppanthal [East] Nagercoil,
Kanyakumari District.

: Appellant

Vs.

- 1.The Commissioner,
Hindu Religious & Charitable Endowment,
[Administration] Department,
Nungambakkam, Chennai 600 034.
- 2.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Tirunelveli-2.
- 3.The Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
Vadiveeswaram, Nagercoil.
- 4.K.Subramaniyan : Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 02.12.2016 made in W.M.P(MD).No.16954 of 2016 in W.P.(MD).No.23587 of 2016.

Prayer in WMP(MD.16954/2016:

To direct the respondents 3 and 4 herein to allow the petitioners to continue his poojari service in the 4th respondent temple pending disposal of the WP(MD)NO.23587/2016.

Prayer in WP(MD).23587/2016:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents herein to allow the petitioner to continue his poojari service in the 4th respondent temple as per the appointment order dated 21.06.2011.



For Appellant

: Mr.B.S.Meltiue

For Respondent Nos.1 to 3

: Mr.VR.Shanmuganathan
Special Government Pleader

For Respondent No.4

: Mr.S.Sivanesan

JUDGMENT

[Judgment of the Court was made by R.SUBBIAH, J.]

The present Writ Appeal has been filed as against the interim order dated 02.12.2016 made in W.M.P(MD).No.16954 of 2016 in W.P.(MD).No.23587 of 2016.

2. Today, when the Writ Appeal was taken up for admission, the learned counsel appearing for the appellant submitted that the appointment of the Writ Petitioner as Additional Keezh Santhi was not approved by the Commissioner, Hindu Religious & Charitable Endowment Department and the Writ Petitioner had left the service in the month of April 2013. Suppressing the above facts, the Writ Petitioner filed the said Writ Petition and obtained an order of interim direction. The learned counsel for the appellant also submitted that the appellant has also filed a petition seeking to vacate the said interim direction granted by the learned Single Judge.

3. What is under challenge in this Writ Appeal is only an interim order passed by the learned Single Judge. It is reported to this Court that the appellant had already filed Vacate Petition seeking to vacate the interim order. Since the appellant had already filed Vacate Stay Petition, we are of the considered view that the appellant has to work out his remedy before the learned Single Judge, by putting forth all his contentions. Therefore, the Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner,
Hindu Religious & Charitable Endowment,
[Administration] Department,
Nungambakkam, Chennai 600 034.

2.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Tirunelveli-2.



3.The Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
Vadiveeswaram, Nagercoil.

+1 cc to Mr.B.S.MELTIUE, Advocate, Sr.No:82636

+1 cc to Mr.S.SIVANESAN, Advocate, Sr.No:82702

+1cc to M/S Special Government Pleader, Sr No.83609

NB

MAS/:18.01.2017: 3P/ 7C

JUDGMENT MADE IN
W.A. [MD].No.1632 of 2016
22.12.2016