



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.18693 of 2016

C.Palanisami

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment (Admn.)
Department,
Trichirappalli.

2.M.Chinnakalai Poosari

... Respondents

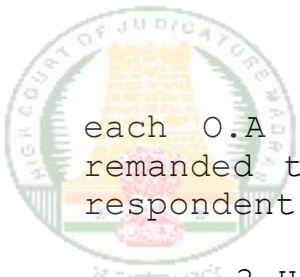
Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to dispose the proceedings in O.A.No.11 of 1992 as per the order passed in A.P.No.55 of 2010 on the file of the Commissioner, H.R. and C.E. Department, Chennai dated 27.06.2012 within the stipulated period.

For Petitioner	: Mr.S.Gopala Manikandan
For Respondent-1	: Mr.R.Anandharaj
	Government Advocate

ORDER

The petitioner has filed this Writ Petition seeking a direction, directing the 1st respondent to dispose the proceedings in O.A.No.11 of 1992 as per the order passed in A.P.No.55 of 2010 on the file of the Commissioner, H.R. and C.E. Department, Chennai dated 27.06.2012 within the stipulated period.

2.According to the petitioner, earlier, the first respondent/Joint Commissioner, HR & CE Department, passed an order on an application filed by the petitioner and other persons in O.A.No.11 and 17 of 1992 (common order). Challenging the said order, the petitioner filed an appeal before the Commissioner, Hindu Religious and Charitable Endowment Department, in A.P.No.55 of 2010 under Section 69(1) of the HR & CE Act, 1959 and the Commissioner, by an order dated 27.06.2012, passed an order, setting aside the order passed by the first respondent/Joint Commissioner. The Commissioner directed the Joint Commissioner to treat both the cases as separate O.As and pass separate orders regarding the claims made in the O.As taking into consideration the merits of



each O.A. in accordance with law. Even though the matter was remanded to the first respondent on 27.06.2012, sofar the first respondent has not taken any steps to dispose of the O.A.

3. Heard the submissions made on either side and perused the documents carefully.

4. As contended by the learned counsel for the petitioner, even though the Commissioner has passed an order on 27.06.2012 remanded the matter to the first respondent to consider the case afresh, sofar the first respondent/Joint Commissioner has not passed any orders.

5. Considering the above facts and circumstances of the case, the first respondent/Joint Commissioner, Hindu Religious and Charitable Endowment Department, Trichirapalli, is directed to dispose of the above O.A, after giving notice to the petitioner and rival claimants, if any, within a period of 12 weeks from the date of receipt of a copy of this order. Accordingly, this writ petition is disposed of. There shall be no order as to costs.

Sd/

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar.

To
The Joint Commissioner,
Hindu Religious and Charitable Endowment (Admn.)
Department,
Trichirappalli.

+1CC to M/S.S.Gopala Manikandan, Advocate, SR.No. 56706

+1CC to the Special Government Pleader, SR.No. 57770

W.P(MD)No.18693 of 2016

28.09.2016

Vs
AM/GSV.PM/SAR-III/07.10.2016/2P/4C