

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2017

CORAM

THE HON'BLE MR.JUSTICE RAJIV SHAKDHER
AND
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

WA.NO.1316 OF 2017

V.Venugopal

.. Appellant/Petitioner in Wp

Vs.

1. The Commissioner,
The Hindu Religious and Charitable
Endowments (Admn) Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-600 034.
2. The Joint Commissioner,
The Hindu Religious and Charitable
Endowments (Admn) Department,
Vellore.
3. The Assistant Commissioner,
The Hindu Religious and Charitable
Endowments (Admn) Department,
Vellore.
4. The Fit Person/Executive Officer
A/m.Narayana Reddy Chatram,
Thottapalayam, Vellore.

.. Respondents/ Respondents in WP

Prayer : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 09.10.2017, made in M.P.No.1 of 2013 in W.P.No.9726 of 2013.

W.P.No.9726 of 2013:-

Petition praying that in the Circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Order interim direction, directing the fourth respondent not to proceed with the order passed by the Second Respondent in A.P.No.1 of 2012 dated 08.03.2013 (in MP.No.1 of 2013 in WP.9726 of 2013) till the disposal of the WP.No.9726 of 2013.

For Appellant : Mr.N.Velmurugan

For Respondents: Mr.M.Maharajan
Special Government Pleader
for RR1 to 3

Mr.P.V.Arulphazannee for R4

O R D E R

(Order of the Court was made by RAJIV SHAKDHER,J.)

1. After some arguments, learned counsel for the appellant says he will approach the learned Single Judge for vacating and/or modifying the impugned order.

2. We may note that prior to the impugned order, an interim order had been passed on 18.04.2013, which reads as follows :

"Mr.S.Kandasamy, Special Government Pleader, takes notice for respondents.

According to him, fit person has already appointed by the HR & CE Department in respect of the subject temple and he has also taken charge of the administration and he has also been collecting rents. His submission is recorded.

Status quo as on today to be maintained until further orders.

The respondents file counter. Post on 13.06.2013."
(emphasis is ours)

2.1. It is only, thereafter, that the impugned order was passed on 09.10.2017. The impugned order reads as follows :

".... The learned counsel appearing for the HR & CE Department, made a submission that the fit person has been appointed to Administrative Temple. In this view of the matter, the miscellaneous petition stands closed."

2.2. Admittedly, no appeal was filed against the order dated 18.04.2013.

3. It is, in these circumstances, the petitioner has submitted before us, as noted above, that he will approach the learned Single Judge for an appropriate relief.

3.1. Liberty in that behalf is granted, albeit, in accordance with law.

4. Accordingly, the captioned writ appeal is disposed of in the aforesaid terms.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
The Hindu Religious and Charitable
Endowments (Admn) Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-600 034.
2. The Joint Commissioner,
The Hindu Religious and Charitable
Endowments (Admn) Department,
Vellore.
3. The Assistant Commissioner,
The Hindu Religious and Charitable
Endowments (Admn) Department,
Vellore.

+1cc to Mr.N.Velmurugan , Advocate, S.R.No.87921
+1cc to the Government Pleader, S.R.No.88359

W.A.No.1316 of 2017

SKV(CO)
CS/29/01/18

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