

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A No.1743 of 2014 and
M.P.No.1 of 2014

Thamilaga Indhu Saiva Koyilgal
Paathukappu Matrum Deivaneri Parappum Sangam
No.9-A/23, Tiruvalluvar Nagar 2nd Street,
Thenpathi, Seergali - 609 110.
Rep. by its Secretary,
S.Balasubramanian ... Appellant

versus

- 1.Arulmigu Vaithianathaswamy Devasthanam,
Rep. by its Hereditary Trustee,
Sri-La-Sri Gurumaha Sannithanam of
Dharmapuram Adheenam
Vaitheeswarankoil, Sirkazhi Taluk,
Nagapattinam District.
- 2.The Government of Tamil Nadu,
Rep. by its Secretary,
Tamil Nadu Development Religious Endowment
and Information Department,
Fort St.George, Chennai.
- 3.The Commissioner,
Tamil Nadu Hindu Religious Charitable Endowments
Department, Nungambakkam High Road,
Chennai. ... Respondents

PRAYER: Writ Appeal filed under clause 15 of the Letters Patent
against the order dated 11.04.2014 made in W.P.No.9594 of 2014.

WP 9594 of 2014:

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying for the issuance of a Writ of
Certiorari calling for the records of the 2nd respondent in his
proceedings Na.Ka.No.9060/2011/L.5 dated 12.2.2014 and also his
consequential proceedigns in Na.Ka.No.9060/2011/L.5 dated
24.3.2014 and quash the same

For Appellants : Mr.S.Doraisamy
For Respondents : Mr.S.Sounthar for R1
Mr.M.Maharaja,
Spl.Govt.Pleader for R2 and R3
HR & CE

J U D G M E N T

[Judgment of the Court was made by K.K.SASIDHARAN,J.]

The show cause notice issued to the first respondent by the Commissioner, Hindu Religious and Charitable Endowments Department, dated 12 February, 2014 was challenged before the writ court in W.P.No.9594 of 2014. The learned single Judge quashed the notice with liberty to the Commissioner to take a decision for initiating action after notifying the Rules. The order is under challenge in this intra court appeal.

2. When the writ appeal was taken up for hearing, the learned counsel for the first respondent on instructions submitted that after notifying the Rules, the appellant filed a writ petition in W.P.No.25664 of 2016 and obtained an order directing the Commissioner to consider the matter afresh. The writ petition was allowed by order dated 22 July, 2016. According to the learned counsel, pursuant to the order in W.P.No.25664 of 2016, the Commissioner conducted enquiry and passed final orders on 13 February, 2017. The learned counsel submitted that in view of the subsequent events, nothing survives for adjudication.

3. We have also heard the learned counsel for the appellant and the learned Special Government Pleader on behalf of respondents 2 and 3.

4. The writ petition filed by the first respondent was allowed on the ground that Rules were yet to be notified. The learned single Judge granted liberty to the Commissioner to proceed afresh after notifying the Rules. It is a matter of record that after notifying the Rules, the appellant filed a writ petition in W.P.No.25664 of 2016 and pursuant to the order in the said writ petition, the Commissioner conducted enquiry and ultimately, passed an order dated 13 February, 2017 giving directions to the first respondent. In view of the order passed by the Commissioner dated 13 February, 2017, nothing survives for adjudication in this intra court appeal.

5. The intra court appeal is disposed of on account of the subsequent events. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

svki

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Tamil Nadu Development Religious Endowment
and Information Department,
Fort St.George, Chennai.

2.The Commissioner,
Tamil Nadu Hindu Religious Charitable Endowments
Department, Nungambakkam High Road,
Chennai.

+ 1 cc to Mr.S.Sounthar Advocate,SR.77497

+ 1 cc to Mr.S.Doraisamy Advocate,SR.77403

+ 1 cc to The Govt.Pleader, SR.78063

W.A No.1743 of 2014

GMR(CO)
NR 30/11/2017

सत्यमेव जयते
WEB COPY