

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 08.11.2017
CORAM
THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU
W.P.No.28514 of 2017

M.Chellappan
S/o.Mariappan

... Petitioner

vs.

1. Commissioner
Hindu Religious & Charitable Endowment
Nungambakkam High Road,
Chennai-600 034.
 2. Joint Commissioner
Hindu Religious & Charitable Endowment
Salem.
 3. Asst. Commissioner
Hindu Religious & Charitable Endowment
Salem.
 4. Executive Officer
Orukkal Malai Varadaraja Perumal Temple
Sankagiri Taluk
Salem District
Incharge of Thakkar
Arulmigu Veeramathiamman Patta Thalachi Amman Temple
Kachupapalli, Edapadi,
Salem.
-Respondents

PRAYER

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, call for the entire records of Vide Ref. செ.மு.ந.க.எண் 3763/2014/ஆ2 நாள் 27.09.2014 issued by 3rd respondent for appointment of 4th respondent as Thakkar of the petitioner Temple and quash the same.

For Petitioner : Mr.K.Harikrishnan
For Respondents: Mr.M.Maharaja
Special Government Pleader

O R D E R

This writ petition is filed challenging the proceedings dated 27.09.2014 issued by the third respondent appointing the

fourth respondent as Thakkar of the Temple by name Arulmigu Veeramathiamman Patta Thalachi Amman Temple, Salem.

2. Mr.M.Maharaja, learned Special Government Pleader takes notice for the respondents.

3. The petitioner claiming to be a hereditary Trustee of the above temple, has chosen to file the present writ petition challenging the appointment of Thakkar through the impugned proceedings which was issued as early as on 27.09.2014.

4. Perusal of the impugned proceedings clearly indicate that a copy of the same was marked to the petitioner as well. Therefore, it is evident that the petitioner is well aware of the above said proceedings, which was passed as early as in the month of September 2014. However, he has chosen to file a recent writ petition in WP.No.21956 of 2017, claiming himself to be a hereditary Trustee by impleading only the District Superintendent of Police and the Inspector of Police as the parties respondents and obtained an order on 18.08.2017 without impleading the HR & CE Department as a party respondent therein.

5. In any event, the learned counsel for the respondents, based on instructions, submitted that the present impugned order has already been withdrawn and now a new Thakkar has been appointed by a subsequent proceedings.

6. Therefore, this Court is not inclined to entertain this writ petition by exercising its discretionary power under Article 226 of the Constitution of India for the very simple reason that the petitioner has approached this Court and filed the earlier writ petition without impleading the HR & CE Department as a party respondent therein and obtained the above said order of this Court behind the back of the said Department. As it is now stated by the learned counsel for the respondents that the present impugned order itself is not in force, this Court is of the view that maintaining the writ petition against the said order, even otherwise, does not arise. Accordingly, the writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mk

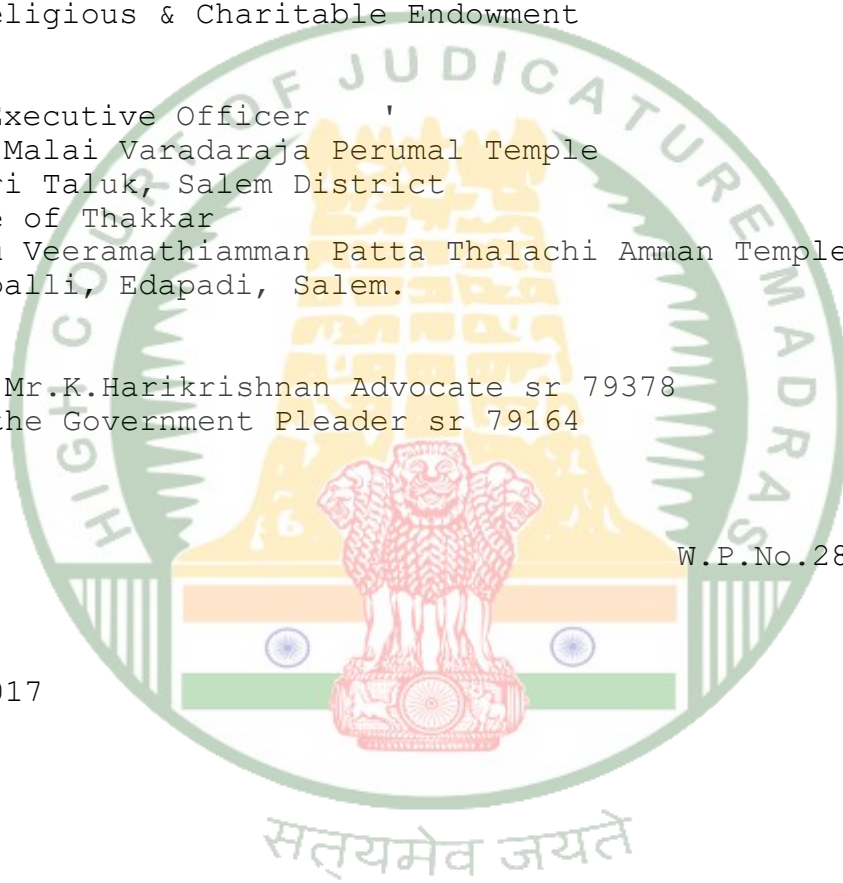
To

1. The Commissioner
Hindu Religious & Charitable Endowment
Nungambakkam High Road, Chennai-600 034.
2. The Joint Commissioner
Hindu Religious & Charitable Endowment
Salem.
3. The Asst. Commissioner
Hindu Religious & Charitable Endowment
Salem.
4. The Executive Officer
Orukkal Malai Varadaraja Perumal Temple
Sankagiri Taluk, Salem District
Incharge of Thakkar
Arulmigu Veeramathiamman Patta Thalachi Amman Temple
Kachupapalli, Edapadi, Salem.

+2 ccs to Mr.K.Harikrishnan Advocate sr 79378
+1 cc to the Government Pleader sr 79164

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sr(co)
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