



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.A. (MD) No.1290 of 2014 &
W.A. (MD) .No.1007 of 2015 &
M.P. (MD) .Nos.2 and 3 of 2014 &
M.P. (MD) .No.1 of 2015

W.A. (MD) .No.1290 of 2014

A.Chandramohan

... Appellant/Petitioner

Vs.

1. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Madurai-625 001.

2. Arulmighu Puttu Urchava Vagaiyara Kattalai,
Rep. by its Managing Trustee,
E.Manickam,
S/o.Ethiraj Chettiar,
No.23, Puttuthoppu Main Road,
Madurai-625 016. ... Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order dated 26.08.2014, made in W.P.(MD).No.8300 of 2013.

For Appellant : Mr.AR.L.Sundaresan Senior Counsel
for Mr.M.Kannan
For Respondents : Mr.M.Murugan for R1
Government Advocate
Mr.R.Subramanian for R2

W.A. (MD) .No.1007 of 2015

Arulmighu Puttu Urchava
Vagaiyara Kattalai,
Rep. by its Managing Trustee
E.Manickam, S/o.Ethiraj Chettiar,
No.23, Puttuthoppu Main Road,
Madurai-625 016

... Appellant/2nd Respondent



Vs.

1. A.Chandramohan

2. The Joint Commissioner,

Hindu Religious and Charitable Endowments Department,

Madurai-625 020.

... Respondents/Petitioner and
1st Respondent

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order dated 26.08.2014, made in W.P.(MD).No.8300 of 2013.

COMMON Prayer in WP(MD). 8300/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue an WRIT OF CERTIORARI to call for the records of the Respondent in Se.Na.Ka.No.8686/2010/E1 dated 27.04.2013 and Quash the same as illegal and pass such further or other orders as this Honourable Court.

For Appellant : Mr.R.Subramanian

For Respondents : Mr.AR.L.Sundaresan for R1

Senior Counsel for

Mr.M.Kannan

Mr.M.Murugan for R2

Government Advocate

COMMON JUDGMENT

[Common Judgment of the Court was delivered by M.M.SUNDRESH,J]

Since these two appeals are arising out of the common order, they have been taken up together and disposed of by this common judgment.

2. After making submission, the learned Senior Counsel for the appellant in W.P.(MD).No.1007 of 2015, would submit that the appellant may be given liberty to work out his remedy under Section 21 of Hindu Religious and Charitable Endowments Act, 1959. The learned Senior Counsel for the appellant further submitted that to show his *bonafide*, the appellant is ready to pay a sum of Rs.10,00,000/- (Rupees ten lakhs only).

3. Considering the above, we dispose of the appeals accordingly.

1) The appellant in W.A.(MD).No.1007 of 2015 is permitted to file an appeal under Section 21 of Hindu Religious and Charitable Endowments Act, 1959, within a period of 4 weeks from the date of receipt of a copy



of this order.

2) Such an appeal if any filed, it will have to be decided on merits without rejecting on the ground of limitation.

3) The appellant will have to pay a sum of Rs.10,00,000/- (Rupees ten lakhs only), to the other appellant, namely the appellant in W.A.(MD).No.1290 of 2014, within a period of 8 weeks from the date of receipt of a copy of this order, failing which the appeal filed by the appellant will have to be dismissed automatically.

4) The appeal so filed will have to be decided on its own merits without being influenced by any of the observations made by the learned single Judge, in W.P. (MD).No.8300 of 2013, within a period of 4 months from the date of filing of the appeal.

3. In view of the same, the writ appeals stand disposed of leaving it open all issues to be decided in the appeal. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Madurai-625 001.

+ 1 CC TO Mr.M.KANNAN, ADVOCATE IN SR No. 71630
+ 1 CC TO Mr.R.SUBRAMANIAN, ADVOCATE IN SR No. 71770
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 72047

JKR

TE/KP/SAR-I : 24/08/2017 : 3P/5C

Judgment made in
W.A. (MD) No.1290 of 2014 &
W.A. (MD) .No.1007 of 2015 &
M.P. (MD) .Nos.2 and 3 of 2014 &
M.P. (MD) .No.1 of 2015
07.08.2017