



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.01.2017
CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

**W.P(MD)No.1788 of 2015
and M.P. (MD) No. 2 of 2015**

1.N. Ratnavel
2.G. Nataraja Subramanian
3.M. Vairavel

... Petitioners

vs.

1.The Joint Commissioner,
Tamil Nadur Hindu Religious & Charitable,
Endowments Department,
Govt. Of Tamil Nadu,Tirunelveli.

2.The Assistant Commissioner,
Tamil Nadu Hindu Religious & Charitable,
Endowments Department,
Govt. Of Tamil Nadu,Tuticorin 628 002.

3.N.Radhakrishnan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorarified Mandamus calling for the records of the 1st Respondent herein relating to the order dt 9.1.2015 in I.A No.9 of 2014 in O.A No.1 of 2013 on the file of 1st Respondent herein, and quash the same and consequently direct the 1st Respondent herein to call upon the 2nd Respondent to produce the documents they hold relating to the subject matter of enquiry.

For Petitioners	: Mr. G.R. Swaminathan for M/S. AL. Ganthimathi
For R1 & R2	: Mr. T.S. Mohammed Mohideen Additional Government Pleader
For R3	: No appearance

O R D E R

This writ petition is filed challenging the order of the first respondent dated 09.01.2015 wherein and whereby the request of the petitioners for production of certain documents from the hands of the respondents 2 and 3 herein was rejected on the reason that the said request was made by the petitioners even before completion of



their side evidence.

2. In this writ petition, though notice was served and the respondents 1 and 2 have been chosen to appear through the learned Special Government Pleader by filing a counter as well, the third respondent has not chosen to appear either through counsel or in person.

3. When the matter is taken up today, the name of the third respondent is printed in the cause list and none appears for him.

4. Mr.G.R.Swaminathan, learned counsel appearing for the petitioners submitted that the documents required by the petitioners are very much essential for them to continue with the examination and that production of such documents even before completion of their side evidence is not going to cause any prejudice to other side in any way. The learned counsel further submitted that the petitioners are entitled to seek for production of such documents as per the procedure contemplated under the Code of Civil Procedure.

5. On the other hand, the respondents 1 and 2 by filing their counter supported the impugned order apart from raising various contentions touching upon merits of the main matter, which is admittedly pending before the first respondent.

6. Upon hearing the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondents 1 and 2, this Court is of the view that no prejudice would be caused if the documents sought for by the petitioners are directed to be produced by the respondents 2 and 3 herein even during the time of the petitioners' side examination. After all production of those documents would only facilitate the first respondent in deciding the matter in a just and fair manner by analyzing those documents as well. Therefore, I find that the order impugned in this writ petition cannot be sustained.

7. Accordingly, the impugned order is set aside and this writ petition is allowed. Consequently, the first respondent is directed to call for the documents available with the second and third respondents as sought for in the Interlocutory Application in I.A.No. 9 of 2014 in O.A.No.1/13/A2 so as to enable the petitioners to proceed with the enquiry. Further, such exercise shall be done by the first respondent within a period of three weeks from the date of receipt of copy of this order. No costs. Consequently, connected M.P.(MD) No. 2 of 2015 is closed.



8. It is also made clear that this Court is not expressing any view on the merits and contentions raised by the respective parties in respect of the main matter, which is pending before the first respondent.

Sd/-
Assistant Registrar (CS-I)
/True copy/

Sub Assistant Registrar

To,

1. The Joint Commissioner,
Tamil Nadur Hindu Religious & Charitable,
Endowments Department, Govt. Of Tamil Nadu, Tirunelveli.
2. The Assistant Commissioner,
Tamil Nadur Hindu Religious & Charitable,
Endowments Department, Govt. Of Tamil Nadu, Tuticorin 628 002.

+1 CC to M/s.A.L. GANTHIMATHI, Advocate, SR No. 369.

+1 CC to M/s.THE SPECIAL GOVERNMENT PLEADER, SR No.476

CM

PSM/BS-MR/06.02.2017/3P/5C

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