



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED **07.07.2017**

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A. (MD) No.927 of 2017

and

C.M.P (MD) Nos.6219 & 6220 of 2017

S.Shanmugasundara Bhattar

... Appellant/3rd Respondent

Vs.

1.S.Chandrasekara Bhattar

..1st Respondent/Petitioner

2.The Joint Commissioner,
Hindu Religious & Charitable Endowment,
Madurai.

3.The Executive Officer/Joint Commissioner,
Arulmigu Meenakshi Sundareswarar Temple,
Madurai-1. ... Respondents 2 & 3/ Respondents 1 & 2

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 23.06.2017 passed in W.P.(MD) No.8250 of 2017 on the file of this Court.

Prayer in WP(MD) . 8250/ 2017 :

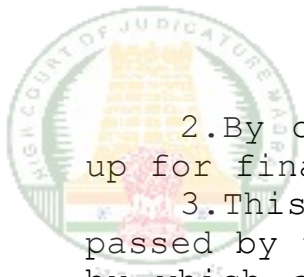
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ, order or direction or any other writ in the nature of a Writ of Mandamus directing the 1st respondent to complete the proceedings in O.A.No.7 of 2016 filed by the Petitioner under section 63(e) of the Tamil Nadu Hindu Religious and Charitable Endowments Act after affording opportunity to the respondents 2 and 3 within the period that may be stipulated by this Honble Court.

For Appellant	: Mr.S.Ramesh
For R2 & R3	: Mr.V.R.Shanmuganathan Spl. Govt. Pleader

JUDGMENT

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

Heard Mr.S.Ramesh, learned counsel appearing for the appellant and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 2 & 3.



2. By consent of both sides, this writ appeal itself is taken up for final disposal.

3. This Writ Appeal has been preferred as against the order passed by this Court in W.P.(MD)No.8250 of 2017, dated 23.06.2017, by which a direction has been issued to the first respondent to dispose of the O.A.No.7 of 2016 within a period of three months from the date of receipt of a copy of the order.

4. The said order is sought to be challenged by the appellant on the premise, the application made is not maintainable. An application has been filed raising a preliminary issue, but the same has not been considered by the first respondent. We find no merits in this appeal. The order passed by the learned Single Judge does not deal with the merits of the case. Admittedly, the application has been numbered and it is not as if the appellant is prevented from raising the issue of maintainability. The law is well settled that when an authority, who is conferred with the power, while dealing with the administrative issue having civil consequences or a quasi judicial power, it is expected that it shall dispose of the main matter and while doing so, the preliminary issue is also be taken into consideration. Afterall, it is only a procedural one.

5. Therefore, there is no reason to interfere with the order of the writ Court. However, it is made clear that the first respondent in the writ petition will go into the preliminary issue raised by the appellant herein while disposing of the O.A.No.7 of 2016.

6. With the above direction, the Writ Appeal is disposed of. No Costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS-III)

/ True Copy /

Sub Assistant Registrar(C.S.)

TO

1. The Joint Commissioner,
Hindu Religious & Charitable Endowment,
Madurai.
2. The Executive Officer/Joint Commissioner,
Arulmigu Meenakshi Sundareswarar Temple,
Madurai-1.

+1cc to M/S.V.RAGHAVACHARI, Advocate SR.No.64159

+1cc to Special Government Pleader, SR.No.64395

am/vsa

MAS/MR-KKR/SAR1:18.07.2017:2P-5C

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