

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 11.12.2018

CORAM
THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.30915 of 2005
and
W.P.M.P.No.33883 of 2005 and W.V.M.P.No.2677 of 2005

S.Manickam

... Petitioner

vs.

1.The Assistant Commissioner
Hindu Religious & Endowments Board,
Salem & Namakkal District, Salem.

2.S. Narasimhamoorthy

3.S.Natesa Gounder

4.P.Kumaravel

5.Rangasamy

6.Palanisamy

(R2 to R6 impleaded as per order dated 27.02.2007
in WPMP 43340 of 2005 in WP 30915 of 2005)

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorari,
calling for records relating to the notification issued by the
respondent in Na.Ka.No.5970/11042/2002/A,2/135, dated 25.11.2004
and quash the same.

For Petitioner : Ms.Usha Raman

For R-1 : Mr.M.Maharaja
Special Government Pleader
(HR & CE)

For RR2to 6 : Mr.V.Srikanth

ORDER

The Notification dated 25.11.2004 issued by the Assistant
Commissioner of Hindu Religious and Charitable Endowments
Department, Salem, is under the challenge in the present writ
petition.

2.The parties to the lis on hand, admits the fact that the temple in question is a scheme temple and the Deputy Commissioner of the Hindu Religious and Charitable Endowments Department, passed an order under Section 64 of the "HR & CE" Act for appointment of one non-hereditary trustee from a particular community. The said order, calling for the names from one community for the purpose of appointing the non-hereditary trustee.

3.The issues were adjudicated before the writ petitioner by filing a Civil suit and the suit was dismissed. Then, the first appeal was filed in A.S.No.413 of 1984 was also dismissed on 19.02.1996, by High Court of Madras.

4.The learned counsel appearing for the "HR & CE" Department also contended that the issues were settled long back and the notification issued consequent to the adjudication cannot be now challenged after this length of time.

5.In view of the fact that the cause aroused for the purpose of filing the present writ petition became vanished and no further adjudication needs to be undertaken in respect of the grounds raised in the present writ petition.

6.Accordingly, the writ petition stands closed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssi

To

1.The Assistant Commissioner
Hindu Religious & Endowments Board,
Salem & Namakkal District, Salem.

+lcc to Mr.V.Srikanth, Advocate, S.R.No.86046
+lcc to the Government Pleader, S.R.No.86024

W.P.No.30915 of 2005

VSNI(CO)

rrs 03/01/2019