

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.10.2018

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

W.P.No.9726 of 2013

and

M.P.No.1 of 2013

V.Venugopal

..Petitioner

vs

1.The Commissioner,
The Hindu Religious and Charitable
Endowments (Admn) Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.

2.The Joint Commissioner,
The Hindu Religious and Charitable
Endowments (Admn) Department,
Vellore.

3.The Assistant Commissioner,
The Hindu Religious and Charitable
Endowments (Admn) Department,
Vellore.

4.The Fit Person / Executive Officer,
A/m.Narayana Reddy Chatram,
Thottapalayam,
Vellore.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the fourth respondent not to proceed further based upon the order passed by the second respondent herein in A.P.No.1 of 2012 dated 08.03.2013 till the annexure to that order is served on the petitioner.

For Petitioner : Mr.N.Velmurugan

For Respondents : Mr.M.Maharaja, Spl GP(HR & CE)
for R1 to R3
No appearance for R4

O R D E R

The relief sought for in this writ petition is for a direction to direct the fourth respondent not to proceed further based upon the order passed by the second respondent herein in A.P.No.1 of 2012 dated 08.03.2013 till the annexure to that order is served on the petitioner.

2.The grievances of the writ petitioner is that the appeal filed by him in A.P.No.1 of 2012 was dismissed by way of a one line order on 8th March 2013, the detailed order annexed along with the original order had not been served to the writ petitioner. Thus, the writ petitioner is constrained to move the present writ petition.

3.The learned counsel for the writ petitioner contended that unless the detailed order annexed to the original order is served to the writ petitioner, no coercive action is to be taken.

4.The counter affidavit filed by the 4th respondent and adopted by the respondents 1 to 13 states that sufficient opportunity was given to the writ petitioner and he has also taken part in the proceedings before the Joint Commissioner in A.P.No.1 of 2012. The order of the Joint Commissioner has been served on his counsel, Mr.Balamurugan, Advocate, Vellore. The Advocate concerned has subsequently collected necessary papers from the office of the 2nd respondent. When it is categorically stated that the copy of the order and the connected papers were served to the learned counsel appeared for the petitioner in A.P.No.1 of 2012, the relief now sought for in respect annexure to the order dated 08.03.2013 in A.P.No.1 of 2012 does not arise at all.

5.The learned counsel for the respondents now brought to the notice of this Court that already the writ petitioner has filed O.A.No.3 of 2012 under Section 63(B) of the Hindu Religious and Charitable Endowment[HR & CE]Act, 1959, to appoint the petitioner as Hereditary Trustee. If so, the said petition can be contested by the writ petitioner for the purpose of redressing his grievances, if any. Further, it is stated that the Fit Person was appointed by the Department, had already taken charge and the administration of the Temple is now under the control of the Fit Person.

6.This apart, the relief sought for in the present writ petition is to serve the annexure to the order dated 08.03.2013 passed in A.P.No.1 of 2012. Now, the counter affidavit filed by the respondents state that all annexures as well as the connected papers were served to the learned counsel,

Mr.Balamurugan, Advocate, Vellore.

7.This being the factum of the case, the relief as such sought for in the present writ petition deserves no further consideration. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner,
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Vellore.
- 4.The Fit Person / Executive Officer,
A/m.Narayana Reddy Chatram,
Thottapalayam,
Vellore.

+1cc to Mr.N.Velmurugan, Advocate Sr.No.71964

+1cc to The Special Government Pleader (HR & CE), Sr.No.72624

W.P.No.9726 of 2013

SPD(CO)
CSL/12.11.2018