

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.628 of 2018

1.P.S.Kamalanathan
2.P.Senthil Kumar
3.P.Elango

..... Appellants/Petitioner

-vs-

1.The Commissioner,
Hindu Religious and Charitable Endowment Dept.,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Dept.,
Salem Division, O/o.Joint Commissioner,
Salem District - I.

3.The Executive Officer,
A/m.Badrakaliamman Temple
Mecheri, Mettur Taluk,
Salem District - 636 453.

4. The Inspector of Police,
Mecheri Police Station,
Mecheri, Salem District.

5.R.Rathinam

6.G.Rajmohan

..... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent against the order passed in W.P No.3228 of 2018 dated 14.02.2018.

WP.3228/18: Writ Petition under Article 226 of the Constitution of India praying to issue a Writ of declaration or any other appropriate Writ, Order or Direction in the nature of a Writ of Declaration declaring that the rights of the petitioners as special kattalaidhars to perform the Rathothsavam at their own costs with reference to the temple Arulmigu Batharakaliamman Thirukoil Mecheri Mettur Taluk Salem District and pass such further or other orders as this hon'ble Court may deem fit and proper and thus render Justice.

For Appellants : Mr.Dhalapathy Vignesh Kumar

For Respondents: Mr.M.Maharaja, Spl.Govt.Pleader
(HR & CE) for R1 to R3
Mr.M.Karthikeyan
Addl.Govt.Pleader
for R4
Mr.V.Srikanth for R6
No appearance for R5

J U D G M E N T

[Judgment of the Court was delivered by
R.SUBRAMANIAN,J.]

The challenge in this intra court appeal is to the order passed in W.P.No.3228 of 2018 dated 14.02.2018.

2. The writ petition was filed for a Writ of Declaration, declaring that the appellants have a right as Special Kattalaidhars to perform Rathostavam Festival in the Temple at their own costs. The writ petition was disposed of with an observation that the official respondents are bound to act in accordance with the order passed by this Court in W.P.No.5644 of 2017 dated 07.03.2017 and unless the said order is set aside, the appellants cannot maintain the writ petition. Feeling aggrieved, the appellants have come up with this intra court appeal.

3. Today, we have allowed the writ appeal filed by the appellants in W.A.No.958 of 2018 against the order made in W.P.No.5644 of 2017.

4. In view of the same, the subject appeal filed against the order dated 14.02.2018 made in W.P.No.3228 of 2018 is allowed. The writ petition in W.P.No.3961 of 2018 is also remitted to the learned single Judge to be considered afresh along with W.P.No.5644 of 2017.

5. The intra court appeal is allowed. No costs.

Sd/-
Assistant Registrar (CS-V)

// True Copy//

Sub Assistant Registrar

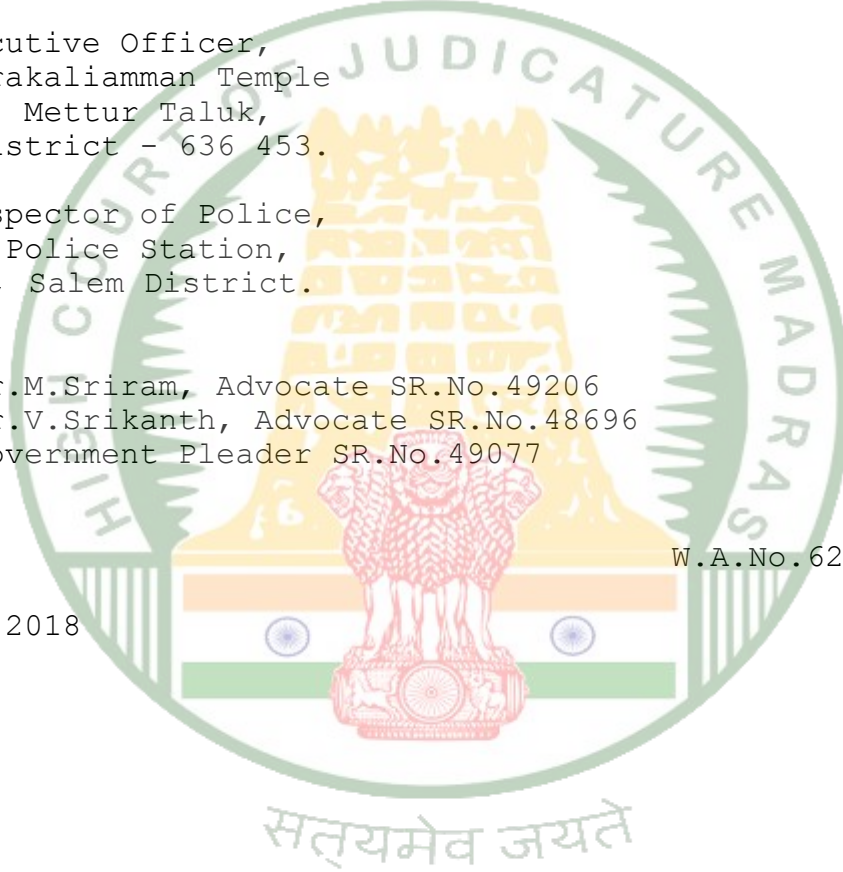
To

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Dept.,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Dept.,
Salem Division, O/o.Joint Commissioner,
Salem District - I.
- 3.The Executive Officer,
A/m.Badrakaliamman Temple
Mecheri, Mettur Taluk,
Salem District - 636 453.
4. The Inspector of Police,
Mecheri Police Station,
Mecheri, Salem District.

+1cc to Mr.M.Sriram, Advocate SR.No.49206
+1cc to Mr.V.Srikanth, Advocate SR.No.48696
+1cc to Government Pleader SR.No.49077

VGII (CO)
SMI/21.08.2018

W.A.No.628 of 2018



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