

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2018

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.19776 of 2018

Maha Thejo Mandala Sabha,
Rep. By its President
Mr.S.Yuvaraj Krishnan.

.. Petitioner

Vs

1.The Commissioner,
Tamil Nadu Hindu Religious & Charitable
Endowment Department,
Chennai - 34.

2.The Executive Officer,
Sri Pamban Kumara Gurudasa Swamigal Temple,
Thiruvannamiyur, Chennai - 41.

3.M.Jayaraman

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of prohibition prohibiting the respondents 1 and 2 from managing and enjoying the possession of the property of the Sri Pamban Kumara Gurudasa Swaminal Samadhi Thiruvannamiyur, Chennai-41, even after the passing of the orders of the Apex Court dated 30.11.2017, made in S.L.P.Nos.9148 and 9149 of 2010 and consequently direct the respondents 1 and 2 to handover the possession of the property to the petitioner society.

For petitioner : Mr.S.Senthil Nathan

For Respondents : No Appearance

O R D E R

This writ petition has been filed by one Mr.S.Yuvaraj Krishnan, claiming to be the President of Maha Thejo Mandala Sabha, seeking for issuance of a writ of prohibition prohibiting the respondents 1 and 2 from managing and enjoying the possession of the property of Sri Pamban Kumara Gurudasa

Swaminal Samadhi Thiruvannamiyur, Chennai-41, even after passing of the orders of the Hon'ble Apex Court dated 30.11.2017, made in S.L.P.Nos.9148 and 9149 of 2010, with a consequential direction to the respondents 1 and 2 to handover the possession of the property to the petitioner society.

2. When a similar prayer was made in W.P.No.14205 of 2018, entertaining the said writ petition, this Court reserved the matter. It is to be noted that in the present writ petition, although the petitioner has claimed himself as President of the said Sabha, he has neither produced any document nor averred anything in the affidavit filed in support of the writ petition to that effect.

3. It is seen that when a suit in O.S.No.9257 of 1994 was filed before the trial Court, the petitioner had not represented before the trial Court on behalf of the said Sabha and subsequent to that, even in the appeal filed before the First Appellate Court in A.S.Nos.310 and 311 of 2000 and further appeal before the Hon'ble Apex Court in S.L.P.(Civil) Nos.9148 and 9149 of 2010, the petitioner has not represented on behalf of the Sabha.

4. After the dismissal of the appeal preferred by the HR&CE department before the Hon'ble Apex Court, one Mr.M.Jayaram, representing the said Sabha, has already filed a W.P.No.14205 of 2018 seeking a direction to the authorities to comply the order passed by the Hon'ble Apex Court. The said writ petition was heard and reserved by this Court. Only at this stages, the present writ petition has been filed seeking a similar prayer. In my view, such prayer of the petitioner in the present writ petition is nothing but seeking a mere publicity. Therefore, this Court is not inclined to entertain the present writ petition.

5. To substantiate that the petitioner is the President of the said Sabha, learned counsel for the petitioner has produced a copy of the Minutes Book dated 06.09.2005 of the Board of Directors. But, the said Minutes Book has not mentioned anything about the tenure of the President so elected. The petitioner has no locus standi as he has not proved with any acceptable evidence that he is now a member of the petitioner Sabha. Besides, when the Writ Petition No.14205 of 2018 was already heard and orders were reserved by this Court, the present petitioner has not even impleaded the writ petitioner in Writ Petition No.14205 of 2018 as a necessary party. Moreover, when the matter was pending on the file of this Court in A.S.Nos.310 and 311 of 2000 and 650 of 2001 and on the file of the Honourable Apex Court in S.L.P.(C) Nos.9148-9149 of 2010 and in Civil Appeal Nos.4178-4179 of 2013 till 30.11.2017, he was

not taking any steps. Therefore, he is an outsider and has no locus standi to maintain this writ petition. Thus, merely on the basis of the Minutes Book, that too, without averring anything in the affidavit filed in support of the writ petition that he has been working as President of the said Sabha, this Court is not inclined to entertain the prayer of the petitioner, especially, when this Court has already reserved a similar matter seeking a very same prayer as stated supra.

6. In fine, for the reasons stated above, the writ petition is dismissed as devoid of any merit. No Costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner,
Tamil Nadu Hindu Religious & Charitable
Endowment Department,
Chennai - 34.

2.The Executive Officer,
Sri Pamban Kumara Gurudasa Swamigal Temple,
Thiruvanmiyur, Chennai - 41.

+1cc to Mr. S.Senthil Nathan, Advocate, S.R.No. 52937
+1cc to the Special Government Pleader, S.R.No. 53721

सत्यमेव जयते

W.P.No.19776 of 2018

GN(17/09/2018)

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