

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2018

CORAM:

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

W.A.No.1094 of 2016

R.Vasanth

.... Appellant

-vs-

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Administration
Dept.,
Salem -7.

2.Govindaraj
3.T.Pandurangan
4.N.Shanmugasundaram
5.P.Dhravidamani
6.K.Rengaraju
7.R.Kumaraswamy
8.K.Kaali
9.R.Patti

.... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent against the order passed in W.P No.9624 of 2011 dated 25.02.2013.

WP.No.9624 of 2011:Writ petition under Article 226 of the Constitution of India praying to issue a writ of certiorari to call for the records relating to the Suo-moto O.A.No.5 of 1996 dt.23.3.2011 on the file of the Joint Commissioner HR & CE Administration Department Salem and to quash the same.

For Appellant : Mr.P.Valliappan

For Respondents: Mr.M.Maharaja, Spl.Govt.Pleader
(HR & CE) for R1
Mrs.Elizabeth Ravi for R2
No appearance for R3 to R9

J U D G M E N T

[Judgment of the Court was delivered by
K.K.SASIDHARAN, J.]

The notice issued by the Joint Commissioner, Hindu Religious and Charitable Endowment Administration Department, Salem, dated 23 March 2011, calling upon the appellant

to appear for enquiry was challenged in W.P.No.9624 of 2011. The learned single Judge having found that it was only a notice issued in respect of *suo motu* proceedings and no adverse order was passed as against the appellant so as to give a cause of action to initiate proceedings, disposed of the writ petition, by directing the Joint Commissioner to conclude the *suo motu* proceedings within a time frame. The said order is under challenge in this intra court appeal.

2. When the appeal was taken up for hearing, the learned Special Government Pleader by producing a copy of the order dated 27 June 2018, submitted that the Joint Commissioner has now framed a Scheme for the Temple in question and as such, nothing survives for adjudication.

3. The challenge in the writ petition was only to the notice issued by the Joint Commissioner in the proceedings in O.A.No.5 of 1996. The notice was challenged on the ground that the appellant would not be liable for the acts committed by her brother Thiru.Govindaraj, who was then in Management of the temple. Even though proceedings were initiated against Thiru.Govindaraj, the fact remains that now a scheme is framed for the temple by the Joint Commissioner by order dated 27 June 2018.

4. We are therefore of the view that nothing survives for adjudication in this appeal at this point of time. It is always open to the appellant to challenge the order dated 27 June 2018, if she is still aggrieved.

5. The intra court appeal is disposed of with above observation. No costs.

Sd/-

Assistant Registrar (CS IX)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

To
The Joint Commissioner,
Hindu Religious and Charitable Endowment Administration Dept.,
Salem -7.

+1cc to Mr.P.Valliappan, Advocate SR.NO.49615
+1cc to Mrs.Elizabeth Ravi, Advocate SR.NO.49664
+1cc to Special Government Pleader SR.NO..No.50033

KGK(CO)
sm:10.8.2018

W.A.No.1094 of 2016