

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 25.04.2018****CORAM:****THE HONOURABLE MR. JUSTICE M.S.RAMESH****W.P.(MD) No. 9360 of 2018**

1. R.Govindarajan
2. R.Krishnasamy ... Petitioners

vs.

1. The Commissioner,
Hindu Religious and Charitable
Endowments Departments,
Nungambakam,
Chennai- 600 034.

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Departments
Trichy.

3. Vellaisamy ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records in O.A.10 of 2017 on the file of the second respondent dated 12.04.2018 and quash the same as illegal, void and incompetent and consequently forbear the respondents their men, agents and any of their subordinate from in any way interfering with the petitioner's right to celebrate Chitrai Festival of Sri Pambalamman temple situated at T.Thulukkampatti, Manapparai Taluk for the year 2018 and for coming years till ultimately finality arises.

For Petitioner : Mr. H.Lakshmi Sankar
for M/s.V.Raghavachari

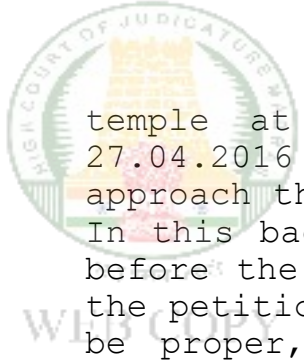
For Respondents
No.1 and 2 : Mr. V.Anand
Government Advocate
No.3 : Mr.P.Saravana Kumar
for Kalaiyarasi Bharathi

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The petitioner had filed an appeal against the original suit to declare the plaintiff as hereditary trustee of Pambalamman



temple at Thulakkampatti temple This Court by an order dated 27.04.2016 passed in appeal Suit No. 32/12 directed the parties to approach the concerned authorities to ventilate their grievances . In this background the petitioners had filed an O.A.No 10 of 2017 before the second respondent herein . The impugned order rejecting the petitioner's application on the ground of res-judicata may not be proper, since he had filed the application, pursuant to the liberty granted to the petitioner in the appeal suit.

3. In view of the same, the order dated 12.04.2018 passed in O.A.No.10 of 2017 on the file of the first respondent herein is set aside and consequently the second respondent is directed to dispose of the application on its own merits and pass orders in accordance with law after giving due opportunity to both the parties .

4. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

1. The Commissioner,
Hindu Religious and Charitable
Endowments Departments,
Nungambakam,
Chennai- 600 034.

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Departments
Trichy.

+1cc to M/s.V.Raghavachari, Advocate, SR.No.63647.

+1cc to M/s.P.Kalaiyarasi Bharathi, Advocate, SR.No.63842.

W.P.(MD) No. 9360 of 2018
25.04.2018

AAV

RAM/SV MMS/SAR 1/07.06.2018/2P/5C