



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :07.06.2018
CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P(MD)No.12056 of 2018

M.Mookkan

... Petitioner

Vs.

1.The Assistant Commissioner/Executive Officer,
Arulmigu Mariamman Temple,
Irukkankudi, Sattur Taluk,
Virudhunagar District.

2.The Hereditary Trustee,
Arulmigu Mariamman Temple,
Irukkankudi, Sattur Taluk,
Virudhunagar District.

3.M.Srirengam

4.S.Sridhar

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to complete the proceedings initiated in pursuant to the petitioner's representation dated 05.02.2018 and pass appropriate orders appointing the petitioner as Hereditary Barber in Arulmigu Mariamman Temple, Irukkankudi, Sattur, Virudhunagar District.

For Petitioner : Mr.H.Arumugam
For R-1 : Mr.P.Mahendran

ORDER

The prayer sought for herein is for a Writ of Mandamus, directing the respondents 1 and 2 to complete the proceedings initiated in pursuant to the petitioner's representation dated 05.02.2018 and pass appropriate orders appointing the petitioner as Hereditary Barber in Arulmigu Mariamman Temple, Irukkankudi, Sattur, Virudhunagar District.

2. Heard Mr.H.Arumugam, learned counsel appearing for the petitioner and Mr.P.Mahendran, learned standing counsel appearing for the first respondent.

3. Since no adverse order is going to be passed in this writ petition against the respondents 2 to 4, notice to respondents 2 to 4 are dispensed with.



4. The petitioner seeking appointment of Hereditary Barber at the first respondent temple, had given a representation on 05.02.2018, where he requested that he should be appointed as Hereditary Barber at the first respondent temple instead of the fourth respondent, who is none other than the son of the third respondent, who is the brother of the petitioner.

5. When the said request of the petitioner was under consideration, certain particulars were called for from the petitioner by the first respondent. In this regard, some correspondence had been there between the petitioner and the first respondent in February, 2018. Thereafter, nothing was forthcoming from the first respondent. Therefore, the petitioner filed the present Writ Petition with the aforesaid prayer.

6. Today when the matter has come up for hearing, the learned standing counsel appearing for the first respondent has produced an order dated 12.03.2018, whereby the fourth respondent has been appointed as Hereditary Barber. The learned standing counsel would further submit that, this appointment was made, as the third respondent, who is the father of the fourth respondent has become sick and he was not able to discharge his duty and initially, for the appointment of the third respondent as Hereditary Barber, the petitioner had given no objection and based on such no objection only, the third respondent was appointed as Hereditary Barber and thereafter, as he becomes sick, his son, namely, the fourth respondent has now been appointed as Hereditary Barber, by order dated 12.03.2018.

7. Since the said order has been passed on 12.03.2018 whereby the fourth respondent has already been appointed as Hereditary Barber and he is now discharging his duties, the present prayer as such sought for in this Writ Petition, obviously, has become infructuous. Therefore, no order is required to be passed as claimed by the petitioner in this Writ Petition.

8. Therefore, this Writ Petition is liable to be dismissed as the prayer sought for by the petitioner has become infructuous in view of the order passed by the first respondent dated 12.03.2018. However, it is made clear that if the petitioner is aggrieved over the said order dated 12.03.2018, he can assail the same in the manner known to law. With this liberty, the Writ Petition is dismissed. No Costs.

Sd/-

Assistant Registrar(Crl. side)

/True Copy/

Sub Assistant Registrar



To

+1cc to M/S.P.Mahendran, Advocate SR.No. 67262
+1cc to M/S.H.Arumugam, Advocate SR.No. 67414

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pm

JM/SV MMS/SAR 2/18.06.2018/3P/3C