

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.A.Nos.2436 to 2438 of 2011

And

M.P.Nos.1 & 1 of 2011

And

C.M.P.Nos.12859, 12860 & 12861 of 2017

Ayira Vysya Jagadguru
Sri Sankarasubbramania Dharma
Siva Acharya Swamigal, Madathipathy,
Thirualangadu Immudi Agora Dharma
Sivachariyar Ayira Vysya Mutt
Nerinipttai - 638 326,
Erode District. ... Appellant/Petitioner in all W.As.

Vs.

W.A.No. 2436 of 2011:

1. The Special Commissioner/
Commissioner, The Hindu Religious
and Charitable, Endowment
(Administration) Department
Chennai - 34.
2. The Assistant Commissioner
The Hindu Religious and Charitable
Endowment (Administration) Department
Erode.
3. Thiru. Alangadu Immudi Aghora
Dharmasivachriya Ayira Vysia Mutt
Rep. By the Chairman of the
Board of Trustees
R.Muthukumarasamy
Nerinjipettai - 638 311,
Bhavani Taluk,
Erode District.
4. Dr.M.Jayaraman
5. D.Sachidhanandham ... Respondents/Respondents

W.A.No.2437 of 2011:

1. The Special Commissioner/
Commissioner, The Hindu Religious
and Charitable, Endowment
(Administration) Department
Chennai - 34.
2. The Assistant Commissioner
The Hindu Religious and Charitable
Endowment (Administration) Department
Erode.
3. Dr.M.Jayaraman
4. D.Sachidhanandham
5. Thiru. Alangadu Immudi Aghora
Dharmasivachriya Ayira Vysia Mutt
Rep. By the Chairman of the
Board of Trustees
R.Muthukumarasamy
Nerinjipettai - 638 311,
Bhavani Taluk,
Erode District. Respondents/Respondents

W.A.No.2438 of 2011:

1. The Special Commissioner/
Commissioner, The Hindu Religious
and Charitable, Endowment
(Administration) Department
Chennai - 34.
2. The Assistant Commissioner
The Hindu Religious and Charitable
Endowment (Administration) Department
Erode.
3. Thiru. Alangadu Immudi Aghora
Dharmasivachriya Ayira Vysia Mutt
Rep. By the Chairman of the
Board of Trustees
R.Muthukumarasamy
Nerinjipettai - 638 311,
Bhavani Taluk,
Erode District. Respondents/Respondents

Writ Appeals filed under Clause 15 of Letters Patent against the orders passed by the learned Single Judge dated 14.10.2011 made in W.P.Nos.14032, 17160 & 23762 of 2008.

W.P.No.14032 of 2008:-

Writ Petition under article 226 of the constitution of India, praying to call for the records of the 2nd respondent relating to the notification dated 21.04.2008 published in Tamil Daily Thina Thanthi dated 26.04.2008 and subsequently modified by his notification dated 29.04.2008 published in Tamil daily Thina Thanthi dated 01.05.2008 to conduct the election to the Board of Trustees to the Thirualangadu Immudi Agora Dharma Sivachariyar Ayira Vysya Mutt Nerinjipettai to be held on 22.06.2008 and to quash the same.

W.P.No.17160 of 2008:-

Writ Petition under Article 226 of the Constitution of India, praying to direct the first respondent to handover the entire administration of Thiru Alangadu Immudi Agora Dharma Sivacharya Ayira vysya Mutt Nerinjipettai Bhavani Tk, Erode District to the petitioner in the capacity as the Madathipathy and trustee of the aforesaid mutt forthwith.

W.P.No.23762 of 2008:-

Petition under Article 226 of the constitution of India, praying to call for the records pursuant to the order in the proceedings of the 1st respondent bearing Na.Ka.No.86545/04/S.2/1dated 20.06.2007 appointing the second respondent as election Officer to conduct the election to the office of Trustees to the Thiru Alangadi Immudi Agora Dharma Sivachariyar Ayira Vysya Mutt Nerinjipettai Bhavani Taluk, Erode District and to quash the same.

For Appellant in all

W.As. : Mr.Bharath Gowtham
for M/s.C.V.Vijayakumar

For RR 1 & 2 in all

W.As. : Mr.Maharaja
Special Government Pleader

For 3rd Respondent in

W.A.Nos. 2436 & 2438/
2011 and 5th Respondent

in W.A.No. 2437/2011: No appearance

For RR 4 & 5 in
W.A.No. 2436/2011
RR 3 & 4 in W.A.No.
2437/2011

: M/s.R.Devi &
R.Parthasarathi

COMMON JUDGMENT
(Delivered by DR.VINEET KOTHARI, J)

The learned counsels appearing at the bar brought to our notice that the elections in Thiru. Alangadu Immudi Aghora Dharmasivachriya Ayira Vysia Mutt was under challenge. The term of the elected body in the year 2008 came to an end in the year 2011. Thereafter, it is stated by the learned counsel for HR & CE Department that the Government has appointed a Fit Person to look after the affairs of the said trust. He submitted that the present Writ Appeal has become infructuous and the Department should be allowed to hold fresh elections of the said Trust Body.

2. The submission appears to be fair and reasonable.

3. In our opinion therefore the present Writ Appeals need not be decided on merits. We dispose of the same as having been rendered as infructuous by lapse of time and we permit the respondent, HR & CE Department to hold fresh elections in accordance with law as expeditiously as possible.

4. With these observations, the Writ Appeals are disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vsg

To

1. The Special Commissioner/
Commissioner, The Hindu Religious
and Charitable, Endowment
(Administration) Department
Chennai - 34.

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2. The Assistant Commissioner
The Hindu Religious and Charitable
Endowment (Administration) Department
Erode.

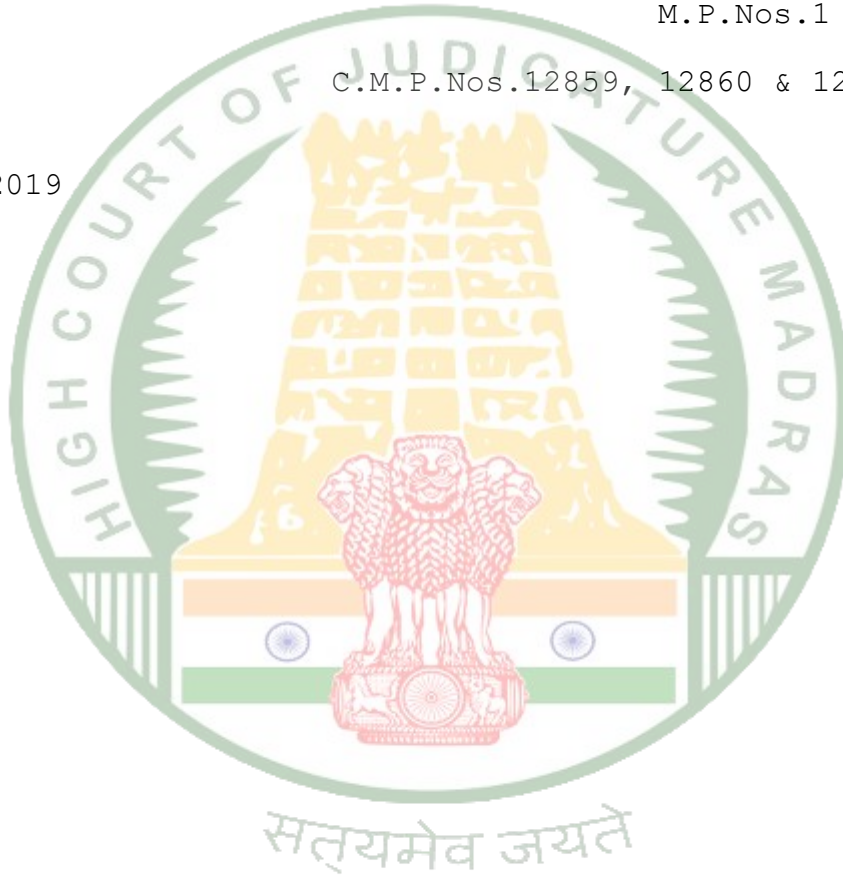
+1cc to Mr.C.V.Vijayakumar, Advocate, S.R.No.57231
+1cc to Mr.PT.Ramadevi, Advocate, S.R.No.57187
+1cc to Mr.R.Parthasarathi, Advocate, S.R.No.57264
+1cc to the Government Pleader, S.R.No.57661

W.A.Nos.2436 to 2438 of 2011
And

M.P.Nos.1 & 1 of 2011
And

C.M.P.Nos.12859, 12860 & 12861 of 2017

RSK(CO)
CS/26/07/2019



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