

W.P. No.809 of 2014

T.RAJA, J.

The matter is listed today under the caption 'for being mentioned' at the instance of the learned counsel appearing for the petitioner.

2.Learned counsel appearing for the petitioner would submit that in the order passed by this Court in W.P.No.809 of 2014, dated 24.09.2019, one more judgment dated 17.02.1959 passed in A.S. Nos.192 and 193 of 1955 in the case of the Commissioner, Hindu Religious and Charitable Endowments, Madras vs. Srila Sri.Subramania Sivaprakasa Pandarasannadhigal holding that it was not competent for the board to reopen the matter once decided by it, has not been referred to. If the said judgment is also referred to, it will be easy for the authority to consider the issue raised by the petitioner in the petition, as such, it is prayed for referring the said judgment in the above order.

3.Mr.M.Maharaja, learned Special Government Pleader appearing for R1 and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the second respondent would also affirm the said factum made by the learned counsel appearing for the petitioner.

4.In view of the submission made by the learned counsel appearing for the petitioner, paragraph 4 of the above order dated 24.09.2019 shall be read as follows:

"4. Recording the above said submissions of the learned counsel appearing on either side, this writ petition is disposed of directing the second respondent/Joint I Sub Registrar, Virudhachalam, before whom the document presented by the petitioner is pending, to issue notice to both the petitioner and the first respondent and thereafter shall hold an enquiry and pass appropriate orders afresh on merits, within a period of six weeks from the date of receipt of a copy of this order. Consequently, the impugned orders passed by the respondents are set aside. It was also brought to my notice that this Court in its order dated 6.4.2011 passed in W.P.No.5782 of 2011 (**Sri Kumara Dev Mutt represented by its Peedathipathi Kalyana Sundara Siva Prakasa Pandara Sannadhigal by his power agent v. The Commissioner, H.R.&C.E. Board and another**) has already come to the conclusion that the property in question does not belong to the public endowment and it is a private trust. The said document also shall be considered by the second respondent while passing the order afresh. The Joint I Sub Registrar, Virudhachalam, the second respondent herein, is also directed to consider the case of the petitioner in the light of the judgment dated 17.02.1959 passed in A.S. Nos.192 and 193 of 1955, without being influenced by the reasons given in the impugned orders. Consequently, M.P.No.1 of 2015 filed by a private devotee to implead him is closed as unnecessary, as the Hindu Religious & Charitable Endowment Department has already been arrayed as a party respondent. No costs."

15.10.2019

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<http://www.judis.nic.in>

Note: Registry is directed to issue fresh order copy on 22.10.2019, by making necessary corrections.

T.RAJA, J.

vga

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15.10.2019

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