

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2019

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P.No.34839 of 2018
and
W.M.P.No.40388 of 2018

Salem District, Attur Taluk,
Unathur Village,
Arulmigu Vinayagar Mariyamman,
Kambaperumal Iyyanar Mariyamman,
Thirukoilgal Nala Munnetra Sangam.
Represented by its President,
S.Palanimuthu,
Unathur Village,
Attur Taluk, Salem District. Petitioner

Versus

1. The Joint Commissioner,
Hindu Religious & Charitable
Endowments Department,
Salem.
2. Palaniammal
3. K.Subbaraya Mooppar
4. K.Arumugam Mooppar
5. Chinnadurai Mooppar
6. The Fit person/The Executive Officer,
Arulmigu Vadu Chennimalai Murugan Temple,
Kattukottai,
Attur Taluk, Salem District. Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to number and entertain the implead petition dated 11.01.2016 and dispose of the same along with M.P.No.22 of 2015 on the file of the first respondent.

For Petitioner : Mr.V.Bhiman
For respondents : Mr.M.Maharaja
Special Government Pleader
(for R1)

: No appearance
(for R2 to R6)

ORDER

This writ petition has been filed seeking a direction to the first respondent to number and entertain the impleading petition filed by the petitioner in revision filed by the respondents 2 to 5 herein.

2. The grievance of the petitioner is that the respondents 2 to 5 herein had filed a revision under Section 21 r/w. 54(4) and 56(i) of the Hindu Religious and Charitable Endowments Act. In the above revision, the petitioner and others filed an application impleading themselves as parties. But, that application was not numbered so far. Hence, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that earlier, the petitioner has filed a revision challenging the order appointing the hereditary trustee before the Commissioner, In the mean time, the Joint Commissioner, the first respondent is conducting enquiry in the revision filed by the respondents 2 to 5, in which, the petitioner is also a necessary party. In the said circumstances, the respondents cannot even refuse to number the application.

4. Considering the above circumstances, the application filed by the petitioner is pending with the first respondent, without going into the merits of the case, the first respondent is directed number the impleading application and decide the application on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order after hearing the petitioner as well as the respondents 2 to 5 herein.

5. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssi/mrp

To

The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Salem.

+1 cc to Mr.V.Bhiman, Advocate Sr.No.1099

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SSI (CO)
CSL/14.02.2019



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