



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHANW.P. (MD) No. 25242 of 2018 andW.M.P. (MD) No. 22855 of 2018

WEB COPY

S.Prabhakaran

... Petitioner

Vs.

1. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Tirunelveli.

2. The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nagercoil,
Agasteeswaram Taluk,
Kanyakumari District.

3. The Fit Person,
Arulmigu Narayanaswamy Temple,
South Thamaraikulam Village,
Agasteeswaram Taluk,
Kanyakumari District.

4. K.Chelladurai

5. Rajasekaran

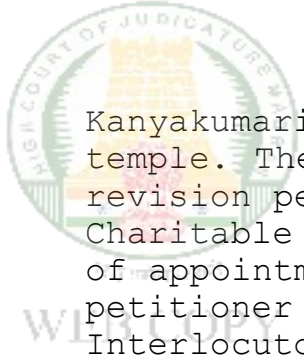
6. S.Jegan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order dated 14.12.2018 passed in I.A.No.1 of 2018 in R.P.No.1 of 2008 by the first respondent and quash the same.

For Petitioner	: Mr.J.Barathan, for M/s.T.R.Jeyapalam
For R-1 & R-2	: Mr.M.Rajarajan, Government Advocate.
For R-3	: Mr.K.Sathiya Singh
For R-4	: Mr.R.J.Karthick

O R D E R



Kanyakumari District. A fit person was appointed for the said temple. The fourth respondent who is the Hereditary Trustee filed a revision petition before the Joint Commissioner, Hindu Religious and Charitable Endowment Department, Tirunelveli, questioning the order of appointment of the fit person. In the said Revision petition, the petitioner got himself impleaded. Thereafter, he took out an Interlocutory application for dismissing the Revision on the ground that it was not filed within time. The said Interlocutory application filed by the Writ petitioner was dismissed on 14.12.2018. The said order is under challenge in this Writ petition.

2. I am of the view that when this Court had mandated that the Revision petition is to be disposed of on merits, the question of filing an Interlocutory application by raising technical ground may not really arise. In any event, the contention of the Writ petitioner is that the application has been filed with a delay of 90 days and the application for condonation of delay has not been filed. These are the two technical submissions. I am of the view that the parties can as well canvass the case on merits and taking into account the said facts and circumstances obtaining in this case, this Court directs that R.P.No.1 of 2008 shall be disposed of on merits by the Commissioner, Hindu Religious and Endowment Department, Chennai. The first respondent shall transmit all the records to the Commissioner, Hindu Religious and Endowment Department, Chennai, forthwith and without any delay.

3. It is made clear that the Commissioner, Hindu Religious and Endowment Department, Chennai, will dispose of the Revision petition filed against the private respondents herein on merits and the issue of limitation will not be gone into.

4. The Writ petition stands disposed of, accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

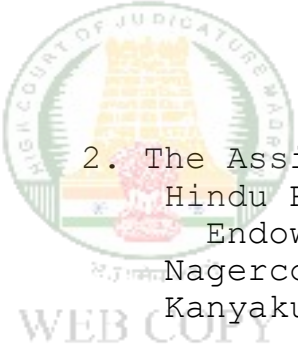
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Sub Assistant Registrar(CS)

To

1. The Commissioner,
Hindu Religious and Endowment Department,
Chennai.

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Tirunelveli.



2. The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nagercoil, Agasteeswaram Taluk,
Kanyakumari District.

+1cc to Mr.T.R.JEYAPALAM, Advocate, SR.No.51636
+1cc to Mr.R.J.Karthick, Advocate, SR.No. 51579
+1cc to M/s.Special Government Pleader,SR.No.51686

W.P. (MD) No.25242 of 2018 and
W.M.P. (MD) No.22855 of 2018
04.03.2019

PMU
KK/SAR-/27.03.2019/3P-6C