

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2020

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

C.R.P(PD).No.1116 of 2015

and

M.P.No.1 of 2015

C.Senthilvel ... Petitioner

Vs.

1.Dr.N.Vijayarangan

2.S.Jayakumar

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, challenging the impugned order dated 07.02.2015 made in O.S.No.234 of 1994 on the file of the Principal Subordinate Judge (Scheme Judge), Mayiladuthurai as illegal, unsound and liable to be set aside so far it relates to appointment of the 1st respondent to the post of member of AVC Education Committee, Mayiladuthurai.

For Petitioner

: Mr.V.Lakshminarayanan
for Mr.S.Gunalan

For Respondents

: Mr.S.Sounthar for R1
Mr.S.Santhanaraman
for Mr.T.Moorthy for R2

ORDER

This Civil Revision Petition has been filed by the petitioner against the order passed by the Principal Sub Judge (Scheme Judge), Mayiladuthurai in O.S.No.234 of 1994 dated 07.02.2015.

2.The learned Principal Sub Judge, Mayiladuthurai by the impugned order appointed the first respondent herein as one of the members of the educational committee which is run by AVC Charities, Mayildathurai. While passing such order, the learned Sub Judge, has passed certain adverse remarks against the petitioner herein. Feeling aggrieved, the petitioner has filed the present Civil Revision Petition.

3.When this matter came up for hearing today, the learned counsel for the petitioner has submitted that the tenure for the said members will expire on 06.02.2021. He further submitted that, now the proceedings relating to the suit in O.S.No.234 of 1994 has been transferred to the Additional District Judge, Mayiladuthurai and the same is pending before him. He further submitted that the learned Additional District Judge, Mayiladuthurai is taking steps for selecting trustees for the aforesaid trust and the petitioner herein has applied to appoint him as one of the

trustees. At this stage, the petitioner does not want any order on merit in this Civil Revision Petition. The learned counsel for the petitioner has further submitted that this Civil Revision Petition may be disposed of with a direction that the learned Additional District Judge while considering the application filed by the petitioner to appoint him as a trustee, he has to independently assess the said application uninfluenced by the observations made by the Principal Sub Judge in the impugned order dated 07.02.2015.

4.The learned counsel for the first respondent has submitted that he has no objection for disposing of the present Civil Revision Petition with the aforesaid directions. He further submitted that the learned Additional District Judge, Mayiladuthurai may also be directed to consider the objections filed against the petitioner.

5. The learned counsel for the second respondent has submitted that only the proceedings relating to appointment of Trustees alone transferred to the Additional District Judge, Mayiladuthurai and not the entire suit proceedings transferred to the Additional District Judge. He further submitted that he also has no objection to dispose of this Civil

Revision Petition with the aforesaid directions and he also made a request to direct the learned Additional District Judge to consider the objections filed against the petitioner.

6.Considering the aforesaid submissions, this Civil Revision Petition is disposed of with a direction that the Additional District Judge (Scheme Judge), Mayiladuthurai has to dispose of the application which has been submitted by the petitioner to appoint him as one of the Trustees in AVC Trust, uninfluenced by the observations made by the Principal Sub Judge, Mayiladuthurai in the impugned order dated 07.02.2015. Further, he is directed to consider the objections which were submitted by the respondents and any other persons against the petitioner while considering the application of the petitioner. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index :Yes/No

Internet : Yes/No

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Note: Issue order copy on or before 04.12.2020

To

The Principal Subordinate Judge (Scheme Judge),
Mayiladuthurai.

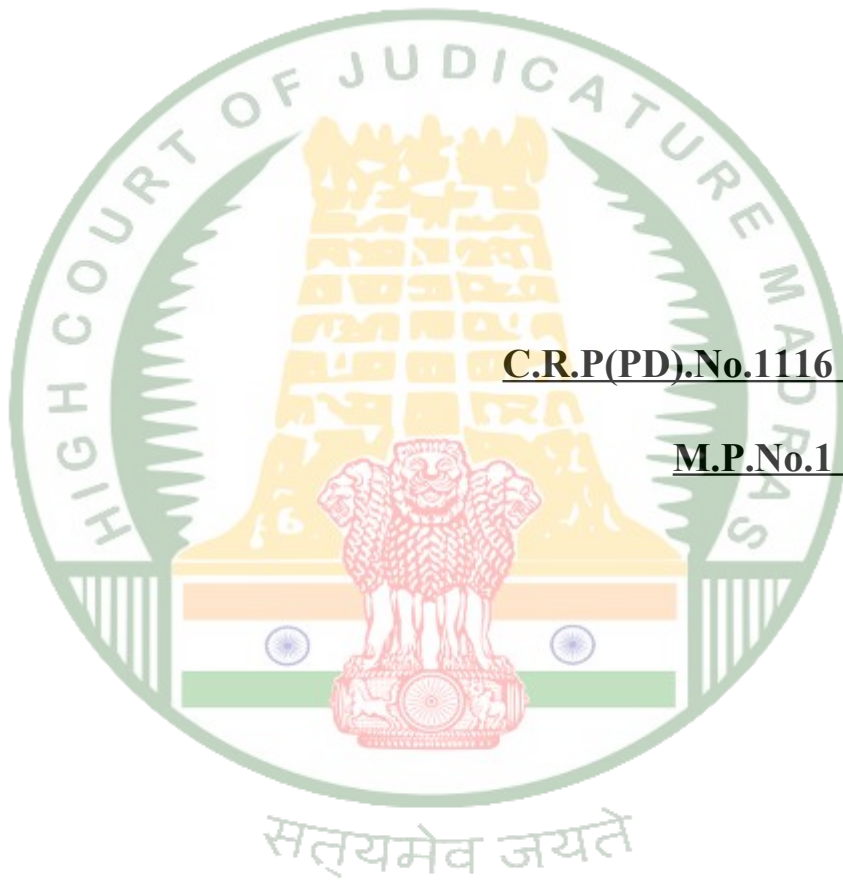


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