



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.11.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.15084 of 2020

WEB COPY

Marimuthu Poosari

... Petitioner

Vs

The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department, Sivagangai.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to grant the certified copy of the respondent's order in Se.Mu.Na.Da.Na.Ka No.5135/2015/E1, dated 30.05.2016, to the petitioner, within the time frame as fixed by this Court.

For Petitioner : Mr.M.Kannan

For Respondent : Mr.M.Karuppasamy
Government Advocate

ORDER

(This Petition was heard through the Video Conferencing)

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to grant a certified copy of the respondent's order in Se.Mu.Na.Da.Na.Ka No.5135/2015/E1, dated 30.05.2016, to the petitioner, within a time frame to be fixed by this Court.

2. Mr.M.Karuppasamy, learned Government Advocate accepts notice on behalf of the respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard Mr.M.Kannan, learned counsel appearing for the petitioner and Mr.K.Karuppasamy, learned Government Advocate, appearing for the respondent.



4. It is the case of the petitioner that he has applied for a certified copy of the aforementioned order on 24.12.2019. It is also his case that the aforementioned order is required, as he is aggrieved by the same and he intends to prefer the statutory appeal. According to him, he is entitled to get a certified copy as per the provisions of Grant of Certified Copies Rules (G.O.Ms.No.865, Revenue, dated 15.02.1960). According to him, till date, the order of the respondent dated 30.05.2016, has not been issued to him. In such circumstances, this Writ Petition has been filed.

5. Rule 2(i) of the Grant of Certified Copies Rules (G.O.Ms.No.865, Revenue, dated 15.02.1960), reads as follows:-

"2.(i).A party to a proceeding or a person having interest who is not a party to a proceeding under any provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, (Tamil Nadu Act 22 of 1959) may apply for a certified copy of any application, memorandum or statement filed or document relied upon by any other party thereto and of any order or decision made in such proceeding."

6. As seen from the aforementioned Rule, a party to the proceedings or a person who is having interest, is eligible to apply for a certified copy of the order issued by the respondent. In the case on hand, the petitioner claims that he is aggrieved by the order dated 30.05.2016 passed by the respondent and therefore, he is eligible to apply for a copy of the certified copy of the said order as per the provisions of Grant of Certified Copies Rules (G.O.Ms.No.865, Revenue, dated 15.02.1960). However, under Rule 5 of the same Rules, the petitioner will have to pay the necessary charges for obtaining a certified copy of the order.

7. Mr.M.Karuppasamy, learned Government Advocate appearing for the respondent, on instructions, would submit that the respondent is ready to furnish a certified copy of the order dated 30.05.2016 to the petitioner, subject to payment of the necessary charges and subject to filing of an application for getting the certified copy.

8. After recording the submissions made by the respective learned Counsels, this Court directs the respondent to issue a certified copy of the order dated 30.05.2016, passed by the respondent in Se.Mu.Na.Da.Ka.No.5135/2015/E1, on receipt of the necessary charges, as per the provisions of the Grant of Certified Copies Rules (G.O.Ms.No.865, Revenue, dated 15.02.1960), within a



period of two weeks from the receipt of the necessary charges from the petitioner.

9. With the aforesaid direction, the Writ Petition stands disposed of. No costs.

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Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To
The Joint Commissioner,
Hindu Religious Charitable Endowments Department,
Sivagangai.

+1 CC to M/s.GP (SR-20992[F] dated 03/11/2020)

+1 CC to M/s.M.KANNAN, Advocate (SR-20884[F] dated 03/11/2020)

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ss (CO)

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