



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.No. 12976 of 2015

&

M.P.No.1 of 2015

Ethiraja Jeeyar Mutt Sishyas Sangam

Rep. by its Secretary

Swami Govovinda Ramanuja Dasa

No.132, Gandhiji Road

Sriperumbudur, Kanchi District

... Petitioner

Vs

1. The Commissioner

Hindu Religious & Charitable Endowment Dept.

119, Uthamar Gandhi Salai

Chennai - 34

2. The Joint Commissioner

Hindu Religious & Charitable Endowment Dept.

Sathuvachari, Vellore

Vellore District, Vellore

3. The Assistant Commissioner

Hindu Religious & Charitable Endowment Dept.

Collectorate Campus

Kanchipuram

4. Sri Govinda Ethiraja Jeeyar

Ethiraja Jeeyar Mutt

26, Sannadhi Street

Sriperumbudur, Kanchi - 107

5. The Deputy Superintendent of Police

Sriperumbudur (Vallakottai Road)

Kanchi (Dt)

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1, 2 3 and 5 to consider my representation dated 01.03.2015 regarding to take step to retrieve the Mutt properties and to take legal action against the fourth respondent within the time stipulated by this Court.

For Petitioner

: No appearance

For Respondents

: Mr. NRR Arun Natarajan

For R1 to R3 & R5

Government Advocate

No appearance for R4



ORDER

Read this in conjunction with and in continuation of earlier proceedings made in the previous listings on 03.09.2021, 24.09.2021, 27.09.2021 and 28.09.2021, which read as follows:

'Proceedings dated 03.09.2021:

Mr.NRR.Arun Natarajan, learned State counsel is before this Court on behalf of respondents 1 to 3. There is no representation for fourth respondent. Mr.NRR.Arun Natarajan, State counsel represents the Public Prosecutor's office also (on behalf of fifth respondent).

2. There is no representation for the petitioner, but the cause list shows that the petitioner is appearing party in person. Case file placed before this Court does not show that the procedural requirement for representing a matter party-in-person has been adhered to.

3. Be that as it may, with the intention of giving opportunity to writ petitioner, list this matter three(3) weeks hence.

List on 24.09.2021.'

'Proceedings dated 24.09.2021

Read this in conjunction and in continuation of the earlier proceedings made in the previous listing on 03.09.2021 which reads as follows:

Mr.NRR.Arun Natarajan, learned State counsel is before this Court on behalf of respondents 1 to 3. There is no representation for fourth respondent. Mr.NRR.Arun Natarajan, State counsel represents the Public Prosecutor's office also (on behalf of fifth respondent).

2. There is no representation for the petitioner but the cause list shows that the petitioner is appearing party in person. Case file placed before this Court does not show that the procedural requirement for representing a matter party in person has been adhered to.

3. Be that as it may, with the intention of giving opportunity to writ petitioner, list this matter three (3) weeks hence.

List on 24.09.2021.'

2. The position is no different today. In other words, Mr.G.Sarath Babu representing Mr.NRR.Arun Natarajan, learned State counsel is before this Court on behalf of respondents 1 to 3 and learned counsel also represents the Public Prosecutor's office (for the fifth respondent), but there is no representation for the writ petitioner. However, with the intention of giving further opportunity to the writ petitioner, more so as it is a party in



person matter, Registry is directed to list this matter again on Monday.

List on 27.09.2021.'

'Proceedings dated 27.09.2021

Read this in conjunction with and in continuation of earlier proceedings made in the previous listings on 03.09.2021 and 24.09.2021.

2. The position is no different today. In other words, learned State counsel Mr.NRR.Arun Natarajan is before this Court on behalf of Respondents 1 to 3 and he also represents the Public Prosecutor's office on behalf of 5th respondent. There is no representation for the writ petitioner and fourth respondent.

3. With the intention of giving further opportunity to the writ petitioner and fourth respondent, Registry to list this matter tomorrow.

List on 28.09.2021.'

'Proceedings dated 28.09.2021

Read this in conjunction with and in continuation of earlier proceedings made in previous three listings on 03.09.2021, 24.09.2021 and 27.09.2021.

2. The position is no different today. In other words, Mr.NRR.Arun Natarajan, learned State counsel is before me on behalf of respondents 1 to 3 and he also represents Public Prosecutor's office on behalf of fifth respondent, but there is no representation for writ petitioner and fourth respondent.

3. As this is the fourth consecutive listing in which there is no representation for writ petitioner, list the captioned matter under the cause list caption 'FOR DISMISSAL' tomorrow i.e., on 29.09.2021.'

2. The position is no different today. In other words, Mr.NRR.Arun Natarajan, learned State counsel is before me on behalf of Respondents 1 to 3 and he also represents the State Public Prosecutor's office on behalf of fifth respondent, but there is no representation for the writ petitioner and fourth respondent.

3. The trajectory the matter has taken in the previous four listings will make it clear that this is the fifth consecutive listing in which there has been no representation for the writ petitioner. The writ petition is more than half a decade old in this Court. To be precise, it is more than six years old as it was presented in this Court on 23.04.2015, but even at this distant point of time, the writ petitioner is not pursuing the matter in spite of adequate and ample opportunity being given to the writ petitioner. Therefore, captioned writ petition is dismissed for default/non-



prosecution. Consequently, connected miscellaneous petition is also dismissed for default/non-prosecution. There shall be no order as to costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

gpa/nst

To

1. The Commissioner
Hindu Religious & Charitable Endowment Dept.
119, Uthamar Gandhi Salai
Chennai - 34
2. The Joint Commissioner
Hindu Religious & Charitable Endowment Dept.
Sathuvachari, Vellore
Vellore District, Vellore
3. The Assistant Commissioner
Hindu Religious & Charitable Endowment Dept.
Collectorate Campus
Kanchipuram
4. The Deputy Superintendent of Police
Sriperumbudur (Vallakottai Road)
Kanchi (Dt)

+1cc to the Special Government Pleader (HR & CE), S.R.No.51358

W.P.No. 12976 of 2015 &
M.P.No.1 of 2015

SS (CO)
GN(20/10/2021)