

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

Writ Petition No.2355 of 2012
and MP. No.2 of 2012

A.Sivalingam

...Petitioner

Vs.

1.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Dharmapuri and Krishnagiri.

2.The Inspector,
Hindu Religious and Charitable
Endowment Department,
Harur, Dharmapuri District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorari, to call for the records of the first respondent in his proceedings dated 14.07.2011 in Se.Mu.Na.Ka.No.1410/2011/A3 and so far it relates to the appointment of the 2nd respondent as Fit person for A/m.Dhrowpathy Amman Temple alias Pattini Amman Temple, Annalampatti, Oothangarai Taluk, Krishnagiri District and quash the same.

For Petitioner : Mr.G.Sumithra

For Respondents : Mr.R.Venkatesh,
Government Advocate

ORDER

This writ petition is filed challenging proceedings dated 14.07.2011 insofar as it relates to the appointment of 2nd respondent as Fit person for Arulmighu Dhrowpathy Amman Temple alias Pattini Amman Temple, Annalampatti, Oothangarai Taluk, Krishnagiri District.

2. I hardly need advert to the averments in the writ petition for the simple reason that the official respondent i.e. Assistant Commissioner/R1 has filed a copy of the proceedings of the Joint Commissioner, Salem dated 09.08.2016 dismissing the application filed by Kuttali @ Aandi and four others in which,

the petitioner is a party. Since steps were not taken and the petitioners were called absent, the matter was dismissed for default. With this, the petition in terms of Section 63 b of the Hindu Religious and Charitable Endowments Act, 1959 comes to an end.

3. Despite opportunities being granted, learned counsel for the petitioner is unable to confirm whether any application to restore the application under Section 63 b has been filed.

4. Mr.Venkatesh, for his part, would state unequivocally that order dated 09.08.2016 has attained finality.

5. In light of the same, the petitioner has no *locus standii* to pursue the prayer in the writ petition and the appointment of the Inspector as a Fit person is thus confirmed. This writ petition is dismissed. In the event the petitioner has filed an application for restoration in time, duly received and acknowledged by the respondent, the same may be considered in accordance with law. Connected Miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Dharmapuri and Krishnagiri.

2.The Inspector,
Hindu Religious and Charitable
Endowment Department,
Harur, Dharmapuri District.

+1cc to Mr.G.Sumithra, Advocate SR.No.7650

AKM/26.2.21 /2P-2C/

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