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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.A.No.1449 of 2021
and
C.M.P.No.9011 of 2021

A.Gajapathy
S/o.Late C.B.Arumugam Chettiar,
Chariman Board of Hereditary Trustee,
A/m.Kadumbadi Chinnamman Temple,
53, JayaramChetty Street,
Saidapet West, Chennai - 600 015.

...Appellant

Vs.

1. A.Baskaran,
S/o.C.B.Arumugam,
No.33, Vaniyar Street,
West Saidapet,
Chennai - 600 015.
2. S.Sumathi,
D/o.C.V.Arumugam Chettiar,
W/o.Srinivasan,
No.33, Vaniyar Street,
West Saidapet,
Chennai - 600 015.
3. The Principal Secretary,
Tourism, Culture and Religious
Endowment Department,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai - 8.
4. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
119, Nungambakkam High Road,
Nungambakkam, Chennai - 600 034.



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5. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
119, Nungambakkam High Road,
Nungambakkam, Chennai - 600 034.
6. The Chief Auditing Officer,
Hindu Religious and Charitable
Endowments Department,
119, Nungambakkam High Road,
Nungambakkam, Chennai - 600 034.
7. S.Kasturi Bai,
W/o.Sundaram,
No.76, First Cross Street,
(First Floor), VRD Nagar,
Madhavaram, Chennai - 600 060.
8. V.Ramani Bai,
W/o.Vaideswaran,
No.37/12, Ramapuram,
Ramasamy Street,
Saidapet West, Chennai - 600 015.
9. C.P.Prabhakaran,
No.2/33, Vaniyar Street,
Saidapet West, Chennai - 600 015.
10. S.Adhi Lakshmi,
No.2/33, Vaniyar Street,
Saidapet West, Chennai - 600 015.
11. S.Shankar,
No.2/33, Vaniyar Street,
Saidapet West, Chennai - 600 015.
12. Kanniappan,
No.2/33, Vaniyar Street,
Saidapet West, Chennai - 600 015.
13. Ganesan,
No.2/33, Vaniyar Street,
Saidapet West, Chennai - 600 015.
14. B.Rani,
W/o.Late Baskaran,
No.3/411, Third Cross Street,
Periyar Nagar, Pazayapettai Post,
Krishnagiri - 635 001.



15. M.Prema,
No.7/51, Parangush Street,
P.V.Kalathur,
Chengalpattu District.
16. P.Latha
No.7/405, Kamaraj Salai,
Kovilambakkam,
Chennai - 600 117.
17. S.Vijayalakshmi
W.o.Sripathy,
No.4/287, Vignarajapuram 6th Cross Street,
Vengaivasal Post,
Selaiyur, Chennai - 600 015.
18. A.Venkatesan,
No.2/33, Vaniyar Street,
Saidapet West, Chennai - 600 015.
19. C.Anusuya,
No.2/33, Vaniyar Street,
Saidapet West, Chennai - 600 015.
20. V.Banumathy,
W/o.Velayutham,
No.4/128, 2nd Street,
Durga Nagar, Nanmangalam,
Chennai - 600 015.
21. C.Sridhar,
S/o.Chandrasekar Chettiyar,
No.2/33, Vaniyar Street,
Saidapet West, Chennai - 600 015.
22. E.Shanthi,
W/o.M.Egambaram (Kannappar Illam)
No.4/30, Perumal Koil Extension Street,
Saidapet West,
Chennai - 600 015.
23. S.Sumathy,
W/o.Srinivasan,
No.9/3, Periyar Ramasamy Street,
West Mambalam, Chennai - 600 033.
24. K.Mahalakshmi,
W/o.Krishnamurthy,
No.143/50-I, Old Mambalam Road,
West Mambalam, Chennai - 600 033.



25. A.Selvakumar,
No.2/33, Vaniyar Street,
Saidapet West, Chennai - 600 015.

26. A.Ravi,
No.2/33, Vaniyar Street,
Saidapet West, Chennai - 600 015.

...Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order dated 07.04.2021 made in W.M.P.No.817 of 2021 in W.P.No.2610 of 2020 on the file of this Court by allowing the Appeal.

PRAYER IN W.M.P.817/2021 in W.P.No.2610/2020: For the reasons stated in the accompanying affidavit it is therefore prayed that this Honourable Court may be pleased to implead the petitioner as 25th respondent in the above W.P.No.2610 of 2020 on the file of this Honourable Court.

For Appellant : Mr.W.M.Abdul Majeed

For Respondents : Mr.V.Srikanth for R2.

:Mr.Richardson Wilson
State Government Counsel for R3 to R6.

J U D G M E N T

(Order of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conference".

2.The Writ Petition has been filed by the Second Respondent to implement Paragraph No.4 of the order dated 14.07.2014. Pending disposal of the Writ Petition, an impleading Petition has been filed by the First Respondent to implead himself in the proceedings as he claims to be the erstwhile trustee of Arulmigu Kadambadi Chinnamman Temple, Saidapet, Chennai.

3.Originally, the Learned Single Judge of this Court ordered a de novo enquiry on 04.11.2020, regarding the allegations on the Management of the Trustee. Taking note of the fact that de novo proceedings have not been conducted by the Commissioner, this Court, while impleading the First Respondent has directed Ms.Renuka Devi, Joint Commissioner to carry out the enquiry by order dated 04.11.2020.



4.It is seen that the allegations of mismanagement are against all the parties including the Original Writ Petitioner and other private Respondents and the impleading Petitioner. When that is the position, it is appropriate to implead all the parties viz., erstwhile hereditary trustees in the proceedings so that in the later date, no party should claim that they have not been made as a party and in their absence order has been passed. Therefore, the Learned Single Judge has rightly impleaded the First Respondent in the proceedings and there cannot be any valid objection by the Learned Counsel for the Appellant for the same. It is also seen that in the interest of all the parties, the impleading Petition has been allowed.

5.Hence, the Appeal fails and the same is dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

ay/sai

To

1. The Principal Secretary,
Tourism, Culture and Religious
Endowment Department,
Government of Tamil Nadu,
Secretariat, Fort St.George,
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3. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
119, Nungambakkam High Road,
Nungambakkam, Chennai - 600 034.



4. The Chief Auditing Officer,
Hindu Religious and Charitable
Endowments Department,
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+1cc to the Government Pleader S.R.No.27552

W.A.No.1449 of 2021

SR(CO)
SU(14/07/2021)