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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 08.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.No.38695 of 2016

&

W.M.P.Nos.33147 of 2016 & 26816 of 2017

P. Gnanasekaran

...Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
(Admn) Department,
Uthamar Gandhi salai,
Nungambakkam,
Chennai 600 034.

2. The Joint Commissioner,
The Hindu Religious and Charitable
Endowments (ADMN) Department,
Salem.

3. The Fit Person/Inspector,
The Hindu Religious and Charitable
Endowments (ADMN) Department,
Dharmapuri.

...Respondents

Writ petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records, relating to the impugned order of appointment of fit person passed by the Commissioner, HR & CE, Chennai issued in R.P.No.177/2016 D2 dated 24.10.2016, communicated on 26.10.2016 and quash the same and pass such further or other orders.

For Petitioner : Mr. J. Ram
for Mr.W.C.Thiruvengadam

For Respondents : Mr. NRR Arun Natarajan
Government Advocate for R1 to R3

ORDER

Mr.J.Ram, learned counsel representing the counsel on record for writ petitioner and Mr.NRR.Arun Natarajan, learned State



counsel for all the three respondents (official respondents) are before this Virtual Court.

2. When the writ petition was taken up, learned counsel for writ petitioner very fairly submits that the order that has been assailed in the captioned writ petition is one pertaining to appointment of Fit person of a Temple (pending charges against the writ petitioner, who is hereditary trustee of the temple which is subject matter of the captioned writ petition), pending captioned writ petition charges were proved and that has been assailed separately by the writ petitioner by way of a statutory appeal before the Appellate Authority and the same is pending. Learned counsel submits that the captioned writ petition has therefore become infructuous.

3. Recording the stated position of the writ petitioner, captioned writ petition is disposed of as closed making it clear (though obvious) that no view or opinion on the merits of the matter has been expressed in this order and all questions / contentions raised including the questions/contentions raised in the captioned writ petition are left open and it is open to the Appellate Authority to deal with the matter on its own merits and in accordance with law.

4. Captioned writ petition disposed of as closed. Consequently connected writ miscellaneous petitions are also disposed of as closed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gpa/tri

To

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
(Admn) Department,
Uthamar Gandhi salai,
Nungambakkam,
Chennai 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments (Admn) Department,
Salem.



3. The Fit Person/Inspector,
Hindu Religious and Charitable Endowments (Admn) Department,
Dharmapuri.

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+1cc to Mr.P.Gopalan, Advocate, S.R.No.46006

+1cc to the Government Pleader, S.R.No.45991

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NSK 01/10/2021