



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2021

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THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.No.25512 of 2014 & W.P.No.40212 of 2016
and

M.P.Nos.1 & 2 of 2014 &
WMP.Nos.34243 to 34245 of 2016

Balasubramanian
S/o Viswanatha Muthaliar

... Petitioner in both WPs

Vs

1. The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Mayailaduturai, Nagapattinam District.

2. The Fit Person
A/m Pitchai Kattalai
Attached to Mayuranathar Thirukoil
Having Office at
A/m Prasanna Mariamman Thirukoil
Near Bus Stand
Mayiladuturai, Nagapattinam District.

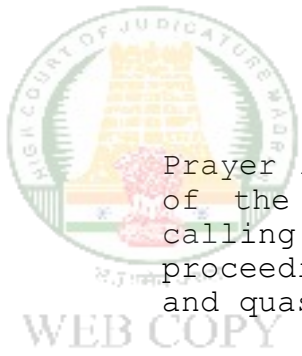
...Respondents in W.P.No.25512 of 2014

1. The Secretary / Joint Commissioner
Thanjavur [2] Kumbakonam District Committee
O/o.Joint Commissioner
Hindu Religious and Charitable Endowments Department
Mayiladuthurai, Nagapattinam District.

2. The Executive Officer-cum-Fit person
A/m.Prasanna Mariamman Thirukoil
Near Bus Stand
Mayiladuturai, Nagapattinam District

... Respondents in W.P.No.40212/2016

Prayer in W.P.No.25512 of 2014: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the first respondent in his proceedings Na.Ka.No: 10995/1985/Aa1 dated 17.04.2014 and quash the same.



Prayer in W.P.No.40212 of 2016: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the first respondent in his proceedings Se.Mu.Nada.Na.Ka.No. 10995/85/Aa1 dated 13.05.1996 and quash the same.

For Petitioner	:	Ms.H.Kavitha for Mr.S.Sounthar
For Respondents For R1	:	Mr.NRR.Arun Natarajan Government Advocate
For R2	:	Mr.Wilson for Mr.A.K.Sriram of M/s.Kailasam and Associates (Law Firm)

COMMON ORDER

This common order will govern captioned two main writ petitions and connected 'Writ Miscellaneous Petitions' (WMPs) thereat.

2. Captioned two main writ petitions pertain to 'Arulmighu Pitchai Kattalai attached to Mayuranathar Thirukoil, at erstwhile Nagapattinam District (now Mayiladuturai District)', which shall hereinafter be referred to as 'said entity' for the sake of convenience and clarity.

3. 'W.P.No.25512 of 2014' shall be referred to as 'I writ petition' and 'W.P.No.40212 of 2016' shall be referred to as 'II writ petition'.

4. Both the writ petitions have been filed by one Balasubramanian, son of Viswanatha Muthaliar. In I writ petition, 'proceedings of the jurisdictional Joint Commissioner of 'Tamil Nadu Hindu Religious and Charitable Endowments Department' ('TN HR&CE Dept.' for the sake of convenience, clarity and brevity) dated 17.04.2014 bearing Na.Ka.No.10995/1985/Aa1' (hereinafter 'I impugned order' for the sake of convenience) {wherein an Executive Officer, who has been appointed as a Fit person was directed to take steps and submit a report in the light of allegations of alienation of immovable properties qua said entity} has been assailed in II writ petition, an order dated 13.05.1996 made by the first respondent appointing another person as Fit person qua said entity has been called in question/assailed.



5. The writ petitions proceed on the basis that the properties qua said entity are family properties burdened with certain specific obligations and there is no dedication. It is not necessary to dilate any further on the factual aspects or the issues involved in the captioned writ petitions as Ms.H.Kavitha, learned counsel representing the counsel on record for writ petitioner in both the writ petitions submits that the lone writ petitioner in both the writ petitions namely, Balasubramanian, son of Viswanatha Muthaliar is no more and his demise was sometime in July of 2021. The narrative thus far will make it clear that both the writ petitions abate.

6. A broad thumbnail sketch has been captured supra for the limited purpose of making it clear that captioned writ petitions being disposed of as abated will not affect the rights (if any) of any other private person/private individual or entity which is not a party to the captioned writ petitions.

7. Making the above position clear, captioned writ petitions are disposed of as closed as the same have abated owing to the demise of the lone writ petitioner. Consequently, connected miscellaneous petitions are also disposed of as abated. There shall be no order as to costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

gpa/nst

To

1. The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Mayailaduturai,
Nagapattinam District.
2. The Secretary / Joint Commissioner
Thanjavur [2] Kumbakonam District Committee
O/o.Joint Commissioner
Hindu Religious and Charitable Endowments Department
Mayiladuthurai,
Nagapattinam District.



+2ccs to Mr.A.S.Kailasam & Associates, Advocate,
S.R.No.53692, 53693

+2ccs to Mr.S.Sounthat, Advocate, S.R.No.53297, 53298

+1cc to the Government Pleader, S.R.No.53643

W.P.No.25512 of 2014 & W.P.No.40212 of 2016
and
M.P.Nos.1 & 2 of 2014 &
WMP.Nos.3243 to 34245 of 2016

SR-II (CO)
SU(10/11/2021)