



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2021

CORAM

THE HON'BLE MR. JUSTICE M.SUNDAR

W.P(MD)Nos.10254 & 11092 of 2008, 12719 & 9890 of 2009

M.P.(MD)Nos.1,3 of 2008 & 2, 2 of 2009

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A/M karuppanasamy Temple,
Represented through one of
its trustees A.Nagaiyasamy
Solaipatti Village,
Thirumangalam Taluk,
Madurai District.

... Petitioner in
W.P.(MD)No.10254/2008

A/M karuppanasamy Temple,
Represented through one of
its trustees

1.A.Saravanakumar
2.R.Narayanasamy
3.A.Nagayasamy

... Petitioner in
W.P.(MD)No.11092/2008

A/M karuppanasamy Temple,
Represented through one of
its trustees

1.A.Saravanakumar
2.A.Nagayasamy

... Petitioner in
W.P.(MD)No.12719/2009

A/M karuppanasamy Temple,
Represented through one of
its trustees

1.A.Saravanakumar
2.A.Nagayasamy

... Petitioner in
W.P.(MD)No.9890/2009

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Board,
Nethaji Road,
Madurai.



2.The Fit Person,
A/M karuppanasamy Temple,
At Solaipatti, Peraiyur Taluk,
Madurai District and
The Executive Officer,
A/M Jeyaveera Anjaneyaramasamy Temple,
Simmakkal,
Madurai.

3.N.Palanichamy
(R3 impleaded as per order dated 20.03.2009 in
M.P.(MD)No.2 of 2008) ... Respondents in
W.P.(MD) No.10254/2008

1.The Special Commissioner
and Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam High Road,
Chennai.

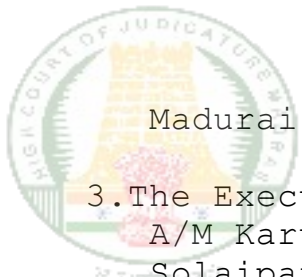
2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Board,
Nethaji Road,
Madurai.

3.The Executive Officer
A/M Jeyaveera Anjaneyar Temple,
Simmakkal,
Madurai.

4.N.Palanichamy
(R4 impleaded as per order dated 14.03.2009 in
M.P.(MD)No.4 of 2008) ... Respondents in
W.P.(MD) No.11092/2008

1.The Commissioner
Hindu Religious and Charitable
Endowments Department,
No.119, Uthamar Gandhi Road,
Chennai - 34.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Board,
Nethaji Road,



Madurai.

3.The Executive Officer
A/M Karuppanasamy Temple,
Solaipatti, Thirumangalam Taluk,
Madurai District.

4.The Inspector,
Hindu Religious and Charitable
Endowment Board,
Thirumangalam, Madurai District.

5.N.Palanichamy ... Respondents in W.P.(MD)
No.12719/2009

1.The Commissioner
Hindu Religious and Charitable
Endowments Department,
No.119, Uthamar Gandhi Road,
Chennai - 34.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Board,
Nethaji Road, Madurai.

3.The Executive Officer
A/M Jeyaveera Anjaneyar Temple,
Simmakkal, Madurai.

4.N.Palanichamy ... Respondents in
W.P.(MD) No.9890/2009

Prayer in W.P.(MD) No.10254/2008: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, forbearing the 2nd respondent from interfering with the petitioner management, administration of the temple till the 1st respondent constitutes the trust Board in confirmation with the Scheme framed in O.A.No.38/88 dated 09.01.1989 on the file of Joint Commissioner, Hindu Religious and Charitable Endowment Board, Madurai.

Prayer in W.P.(MD) No.11092/2008: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorari, calling for the records of the 1st respondent dated 22.07.2008 in proceeding No.Nada.Na.Ka.No.72862/07/L5, quash the same, as the same is arbitrary, ultravires.

Prayer in W.P.(MD) No.12719/2009: Petition filed under Article 226



of the Constitution of India, for the issuance of a Writ of Certiorari, calling for the records of the 1st respondent dated 27.10.2009 made in R.P.No.53/2009/D2 quash the same, as the same is ultravires, arbitrary.

Prayer in W.P. (MD) No. 9890/2009: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent dated 11.09.2009 made in R.P.No.53/2009/D2 on the file of the 1st respondent, quash the same and direct the 1st respondent to try afresh the interlocutory applications filed by the 4th respondent for condoning the delay in filing the Revision Petition and stay application on affording opportunity to the petitioner.

W. P. (MD) No. 10254/2008

For Petitioner : No Appearance
For Respondents : Mr.M.Lingadurai,
Special Govt. Pleader for R1
Mr.S.Manohar for R2
No Appearance for R3

W. P. (MD) No. 11092/2008

For Petitioner : No Appearance
For Respondents : Mr.M.Lingadurai,
Special Govt. Pleader for R1 & R2
Mr.S.Manohar for R3
No Appearance for R4

W. P. (MD) No. 12719/2009

For Petitioner : No Appearance
For Respondents : Mr.M.Lingadurai,
Special Govt. Pleader for R1 to R4
No Appearance for R5

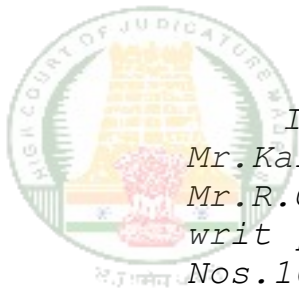
W. P. (MD) No. 9890/2009

For Petitioner : No Appearance
For Respondents : Mr.M.Lingadurai,
Special Govt. Pleader for R1 to R3
No Appearance for R4

COMMON ORDER

Read this in conjunction with and in continuation of earlier proceedings made in the previous listings on 24.11.2021, 25.11.2021, 26.11.2021 and 29.11.2021 which read as follows:

<https://hcservices.ecourts.gov.in/hcservices/> **24.11.2021:**



In four out of the five captioned writ petitions, Mr.Karmega Kannan, learned Counsel representing Mr.R.G.Shankar Ganesh, learned Counsel on record for writ petitioners in four writ petitions namely W.P.[MD] Nos.10254 & 11092 of 2008, 12719 & 9890 of 2009, reports 'no instructions'.

2.Registry to show the name of the writ petitioners together with full / complete address in the next listing.

3.In the fifth writ petition ie., W.P.[MD]No.10884 of 2010, there is no representation for the writ petitioner. Therefore, with the intention of giving opportunity to the writ petitioner and writ petitioner's Counsel, fifth writ petition also will be listed again. List all five writ petitions tomorrow.

4.List on **25.11.2021.**

25.11.2021:

Read this in conjunction with and in continuation of earlier proceedings made on 24.11.2021 in all captioned four writ petitions along with another writ petition being W.P.[MD]No.10884 of 2010, which reads as follows:

'In four out of the five captioned writ petitions, Mr.Karmega Kannan, learned Counsel representing Mr.R.G.Shankar Ganesh, learned Counsel on record for writ petitioners in four writ petitions namely W.P.[MD]Nos.10254 & 11092 of 2008, 12719 & 9890 of 2009, reports 'no instructions'.

2.Registry to show the name of the writ petitioners together with full / complete address in the next listing.

3.In the fifth writ petition ie., W.P.[MD] No.10884 of 2010, there is no representation for the writ petitioner. Therefore, with the intention of giving opportunity to the writ petitioner and writ petitioner's Counsel, fifth writ petition also will be listed again. List all five writ petitions tomorrow.

4.List on **25.11.2021. '**

2.Today, the other writ petition namely, W.P.[MD] No.10884 of 2010 has been disposed of by way of a separate order. That leaves this Court with the captioned writ petition. The names of the writ petitioners are shown in the cause list today but there is no representation.

3.However, with the intention of giving opportunity



to the writ petitioners, Registry to list this matter again tomorrow. Tomorrow, the names of the writ petitioners together with their full / complete address as in the cause title will also be shown in the cause list.

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4.List on 26.11.2021.

26.11.2021:

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 25.11.2021, the position is no different today. There is no representation for writ petitioners, though State Counsel (Mr.M.Lingadurai, Special Government Pleader) is before this Court. However, with the intention of giving further opportunity to the writ petitioners, Registry to list this matter again on Monday.

2. List on 29.11.2021.

29.11.2021:

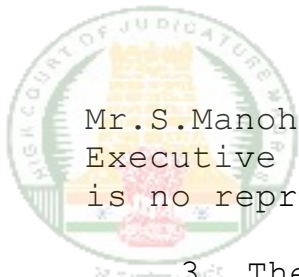
Read this in conjunction with and in continuation of earlier proceedings made on 24.11.2021, 25.11.2021 and 26.11.2021. To be noted, 24.11.2021 is common proceedings in the captioned four writ petitions along with a fifth writ petition namely, W.P.[MD]No.10884 of 2010.

2.The position is no different today. In other words, Mr.M.Lingadurai, learned Special Government Pleader on behalf official respondents, Mr.S.Manohar, learned private Counsel on behalf of the Fit Person and Executive Officer of the temple concerned are before me. The private respondents have been duly served and they have entered appearance through a Counsel but there is no representation for the private respondents also though the name of their Counsel is duly shown in the cause list.

3.As this is the third consecutive / successive listing in which there is no representation for the writ petitioners in the captioned four writ petitions, Registry to list captioned four writ petitions along with W.M.P.s. under the cause list caption 'FOR DISMISSAL' tomorrow.

4.List on 30.11.2021.'

2. Pursuant to the aforementioned earlier proceedings made in the previous listing on 29.11.2021, captioned four writ petitions and the miscellaneous petitions therein are listed under the cause list caption 'FOR DISMISSAL' but the position is no different today. In other words, Mr.M.Lingadurai, learned Special Government Pleader on behalf of official respondents and



Mr.S.Manohar, learned private counsel on behalf of Fit person and Executive Officer of the temple concerned are before me but there is no representation for writ petitioner today also.

3. The aforementioned earlier proceedings bring to light that the writ petitioner's counsel has not represented the matter for five consecutive / successive listings, this being the fifth listing under the caption 'FOR DISMISSAL' today. This Court is convinced that adequate and ample opportunities have been given for writ petitioner but writ petitioner has not come forward to pursue the matter. The sequitur is all four captioned writ petitions are dismissed for default / for non-prosecution and the captioned miscellaneous petitions therein are dismissed for default / non-prosecution. There shall be no order as to costs.

Sd/-

Assistant Registrar ()

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/ /2021

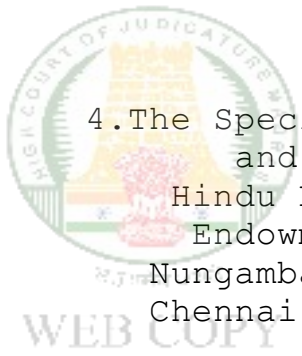
Sub Assistant Registrar(CS)

vsm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Special Commissioner and Commissioner
Hindu Religious and Charitable
Endowments Department,
No.119, Uthamar Gandhi Road,
Chennai - 34.
- 2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Board,
Nethaji Road,
Madurai.
- 3.The Inspector,
Hindu Religious and Charitable
Endowment Board,
Thirumangalam, Madurai District.



4.The Special Commissioner
and Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam High Road,
Chennai.

+2 CC to M/s.S.MANO HAR, Advocate (SR-36673&36674[F] dated
01/12/2021)

+1 CC to M/s.SPL GP (SR-36722[F] dated 01/12/2021)

**W.P (MD) Nos.10254 & 11092 of 2008 ,
12719 & 9890 of 2009
30.11.2021**

NSN (CO)

SB(15.12.2021) 8P 8C