



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.M.P.[MD]No.6124 of 2019

in

W.A.[MD]No.SR50628 of 2019

and

W.A.[MD]No.SR50628 of 2019

Simon Selvan ... Petitioner / Appellant

Vs.

1. S.Subbiah

2. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Door No.119, Uthamar Gandhi Salai, Chennai-600 034.

3. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Palayankottai, Tirunelveli-627 002.

4. The Executive Officer,
Pillaiyan Arthajam Kattalai,
Kariya Manickaperumal Koil, Sannathi Street,
Tirunelveli Nagar-627 006,
Tirunelveli District.

... Respondents / Respondents

PRAYER in C.M.P.[MD]No.6124 of 2019: Petition filed under Section 151 of C.P.C., praying to grant leave to the petitioner to file Writ Appeal challenging the impugned order, dated 16.04.2019 in W.P.(MD).No.5971 of 2019.

PRAYER in W.A.[MD]No.SR50628 of 2019: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 16.04.2019 passed in W.P.(MD).No.5971 of 2019 on the file of this court.

Prayer in WP(MD). 5971/ 2019 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directing the 2nd respondent to consider the petitioners representation dated 25.06.2018 requesting him to initiate proceedings under Section 78 of the HR & CE Act as directed by the 1st respondent in his proceedings in Ka.No.60846/2012/N3 dated 22.7.2013.



For Petitioner : Mr.J.Bharathan
for M/s.T.R.Jeyapalam
For R-2 & R-3 : Mr.R.Baskaran
Standing Counsel for Government
For R-4 : Mr.R.Velmurugan

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O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

We have heard Mr.J.Barathan, learned counsel for M/s.T.R.Jeyapalam, appearing for the petitioner, Mr.R.Baskaran, learned Standing counsel appearing for the second and third respondents and Mr.R.Velmurugan, learned counsel appearing for the fourth respondent.

2. Though we have some reservations about the manner in which the Writ Petition was disposed of, more particularly, the aspect as to whether the writ petitioner has *locus standi* to maintain the Writ Petition, we do not express any opinion, since the proceeding has been initiated against the petitioner/third party by the Joint Commissioner, Hindu Religious and Charitable Endowments Department under Section 78 of the Hindu Religious and Charitable Endowments Act, 1951 and an order has been passed, which has been challenged by the petitioner before the Joint Commissioner, Hindu Religious and Charitable Endowments Department.

3. Therefore, this petition is closed with liberty to the petitioner to agitate all issues in the pending appeal. Consequently, the Writ Appeal stands closed in the SR stage itself.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Commissioner,
Hindu Religious and Charitable Endowment Department,
Door No.119, Uthamar Gandhi Salai, Chennai-600 034.



2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Palayankottai, Tirunelveli-627 002.

+1CC to M/s.T.R.Jeyapalam, Advocate, SR.no.19140

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in
W.A.[MD]No.SR50628 of 2019
and
W.A.[MD]No.SR50628 of 2019
Dated :
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KB(16.06.2021) 3P 4C