



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.A(MD)No.1716 of 2021

and

C.M.P(MD)No.7318 of 2021

D.Tamil Ganesan

... Appellant/4th Respondent

Vs.

1.D.Murugan

... 1st Respondent/Petitioner

2.The Commissioner,

Hindu Religious and Charitable Endowments Department,
Nungambakkam High Road,
Chennai - 600 034.

3.The Joint Commissioner,

Hindu Religious and Charitable Endowments Department,
Ellis Nagar, Madurai.

4.Nacharammal Trust,

Vandiyur,
rep by its Hereditary Trustee,
Pitchaiammal @ Kamatchiammal.

... Respondent 2 to 3/Respondents 1 to 3

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 12.05.2021 made in W.M.P(MD)No.7173 of 2021 in W.P.(MD).No.9449/2021 on the file of this Court.

Prayer in WMP(MD). 7173/ 2021:

This Petition is filed under Article 226 of the Constitution of India, praying this Court to stay the operation of the impugned order passed by the 2nd respondent in Se.Mu.Ka.No.9290/2007-1/Aa1, dt 19.01.2021 pending disposal of the main Writ Petition.

Prayer in WP(MD). 9449/ 2021:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent in Se.Mu.Ka.No.9290/2007-1/Aa1, dt 19.01.2021 and quash the same and direct the 2nd respondent to initiate fresh proceedings under sec. 54 of the Tamil Nadu Hindu Religious and Charitable Endowments Act for appointment of hereditary trustee for the 3rd respondent trust in the line of



Senior Muthusamy Pillai line and make appointment as per law.

For Appellant : Mr.K.Thiruvengadam
For Respondents : Mr.P.Thilak Kumar
Government Pleader
For R2 and R3
: Mr.M.Saravanan
For R4

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JUDGMENT

(Judgment of the Court was delivered by **M.DURAISWAMY, J.**)

Mr.K.Thiruvengadam, learned Counsel appearing for the appellant, seeks permission to withdraw the Writ Appeal, with liberty to file a vacate stay petition before the learned Single Judge.

2.Recording the submission made by the learned Counsel for the Appellant, the Writ Appeal is dismissed as withdrawn. It is open to the appellant to file a vacate stay petition before the learned Single Judge in W.P.(MD)No.9449 of 2021. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (T & P)

// 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 Endowments Department,
Nungambakkam High Road,
Chennai - 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Ellis Nagar,
Madurai.



+1 CC to M/s.M.SARAVANAN, Advocate (SR-29072[F] dated 15/09/2021)

+1 CC to M/s.SPL. GP (SR-29311[F] dated 16/09/2021)

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**W.A(MD)No.1716 of 2021
14.09.2021**

RS (27.09.2021) 3P 5C