



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2021

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THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.18053 of 2021

and

WMP(MD).No.14913 of 2021

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... Petitioner

Vs.

1. The Secretary,
Tamil Nadu Tourism Culture
and Religious Endowment Department,
Government of Tamil Nadu,
Fort St.George, Chennai.
2. The Commissioner,
Hindu Religious and Charitable
Endowments,
No.119, Uthamar Gandhi Street,
Nungambakkam, Chennai - 600 034.
3. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tirunelveli.
4. The Executive Officer/Fit Person,
Arulmigu Easwari Bathrakaliamman Temple,
Esanthangu,
Neendakarai B Village,
Alikal Post, Agastheeswaram Taluk,
Kanyakumari District.
5. C.Vaigundamani
6. R.Arumai Thangam
7. P.Paul Nadar

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent not to dispose of the A.P.No.43 of 2019 and A.P.No.49 of 2019 before the disposal of review petition pending on the file of the first respondent herein as against the order passed by the second respondent in RC.No.13264 of 2019 and RC.No.15287 of 2019 dated 05.09.2020.



For Petitioner : Mr.N.Dilip Kumar for Mr.Ragathees Kumar
For Respondent : Mr.P.Subbaraj,
Counsel for the State for R1 to R3
Mr.K.C.Ramalingam for R7

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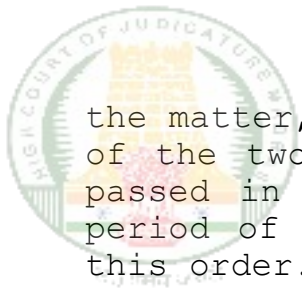
The petitioner seeks a direction to the second respondent not to dispose of A.P.No.43 of 2019, which was subsequently renumbered as A.P.No.2 of 2021, and A.P.No.49 of 2019, which was subsequently renumbered as A.P.No.3 of 2021, before the disposal of the revision petitions filed by the petitioner against the order passed in R.C.No.13264 of 2019 and R.C.No.15287 of 2019.

2. The petitioner states that he was the successful party in O.A.No.4 of 2016. While the said application was pending, the sixth and seventh respondents herein attempted to implead themselves in such proceedings. However, the impleading applications were dismissed. The said order of dismissal was not challenged. Instead, the sixth and seventh respondents filed A.P.Nos.2 and 3 of 2021 challenging the order passed in O.A.No.4 of 2016. The applications for leave were allowed. Therefore, the petitioner filed revision petitions before the first respondent in R.C.No.13264 of 2019 and R.C.No.15287 of 2019. According to the petitioner, unless the said revision petitions are heard first, such revision petitions would become infructuous if the appeals are disposed of before the revision petitions are taken up. The present writ petition is filed to ensure that the revision petitions are heard first.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 3 and Mr.K.C.Ramalingam, learned counsel, accepts notice on behalf of the seventh respondent.

4. The revision petitions filed by the petitioner are in respect of the grant of leave to appeal to the sixth and seventh respondents. On the other hand, the appeals filed by the sixth and seventh respondents are against the order dated 23.04.2018 in O.A.No.4 of 2016. Given the fact that the appeals are substantive in nature, I am not inclined to grant an order to restrain the prosecution of such appeals pending disposal of the revision petitions. At the same time, the contention of the petitioner that the revision petitions may be rendered infructuous unless they are disposed of quickly warrants consideration. In this regard, it may be borne in mind that such revision petitions are confined to whether the leave applications of the sixth and seventh respondents should have been allowed or not. Therefore, an adjudication of this limited issue can be concluded expeditiously.

5. For reasons set out above, without going into the merits of



the matter, the first respondent is directed to consider and dispose of the two revision petitions dated 26.02.2021 against the orders passed in R.C.No.13264 of 2019 and R.C.No.15287 of 2019 within a period of thirty (30) days from the date of receipt of a copy of this order.

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6. W.P(MD).No.18053 of 2021 is disposed of without any order as to costs by leaving it open to the petitioner to file or prosecute a stay petition before the first respondent in the pending revision petitions. Consequently, connected WMP(MD).No.14913 of 2021 is closed.

Sd/-

Assistant Registrar (W)

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Sub Assistant Registrar(CS)

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To

1. The Secretary,
Tamil Nadu Tourism Culture
and Religious Endowment Department,
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Fort St.George, Chennai.
2. The Commissioner,
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Endowments,
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Kanyakumari District.



+1 CC to M/s.K.C.RAMALINGAM, Advocate (SR-31486[F] dated 07/10/2021)

+1 CC to M/s.RAGATHEESHKUMAR, Advocate (SR-31781[F] dated 08/10/2021)

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+1 CC to M/s.SPL.GP (SR-31490[F] dated 07/10/2021)

W.P. (MD) No.18053 of 2021

06.10.2021

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