



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2021

CORAM

THE HON'BLE MR. JUSTICE M.SUNDAR

W.P(MD)Nos.19372 & 19389 of 2016

and W.M.P. (MD)Nos.13964, 13965,
13971 & 13972 of 2016

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M.Bose ... Petitioner in
W.P. (MD) No.19372/2016

D.K.Raguraman ... Petitioner in
W.P. (MD) No.19389/2016

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Utthamar Gandhi Salai,
Nungambakkam,
Chennai-600034.

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

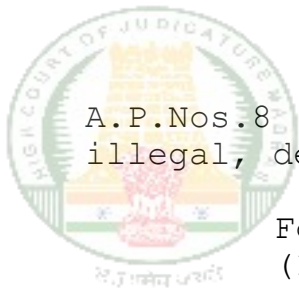
3.The Executive Officer,
Arulmighu Swayambu
Saneeswara Bhagavan Thirukovil,
Kuchanur,
Uthamapalayam Taluk,
Theni District.

4.The Fit Person,
Arulmighu Swayamhu
Saneeswara Bhagavan Thirukovil,
Kuchanur,
Uthamapalayam Taluk,
Theni District.

5.M.M.Thirumalaimuthu ... Respondents in both W.Ps.

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorari, calling for the records of the impugned order passed by the 1st Respondent in

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



A.P.Nos.8 & 7/2016 D2 dated 11.08.2016 and quash the same as illegal, devoid of merits and unlawful.

For Petitioner : No Appearance
(In both W.Ps)

For Respondents : Mr.T.Amjadkhan,
(In both W.Ps) Government Advocate for R1 & R2

Mr.M.Karuppasamy Pandian,
for R3 & R4

Mr.S.Manohar, for R5

COMMON ORDER

Read this in conjunction with and in continuation of earlier proceedings made in the previous listings on 01.12.2021, 02.12.2021, 03.12.2021 and 06.12.2021, which read as follows:

'01.12.2021:

In the captioned two writ petitions, W.P.[MD] No.19372 of 2016 shall be referred to as 'senior W.P.' and W.P.[MD]No.19389 of 2016 shall be referred to as 'junior W.P.', for the sake of convenience and clarity.

2.Mr.T.Amjad Khan, learned Government Advocate is before me on behalf of respondents 1 and 2 in both writ petitions. Likewise, Mr.M.Karuppasamy Pandian, learned Counsel is before me on behalf of the third respondent [Executive Officer of the temple] in both the writ petitions. Mr.S.Manohar, learned private Counsel is before me on behalf of the fifth respondent in both writ petitions. To be noted, the fifth respondent in both writ petitions is a private respondent.

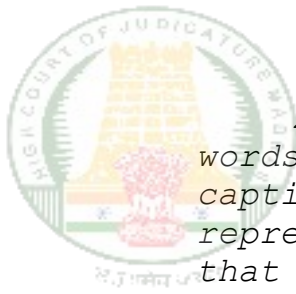
3.It is not clear as to whether the same Counsel ie., Counsel for third respondent Mr.M.Karuppasamy Pandian has accepted notice for the fourth respondent also. Learned Counsel requests for a short accommodation to verify and revert to this Court.

4.Be that as it may, there is no representation for the writ petitioner in both the writ petitions. Therefore, with the intention of giving opportunity to the writ petitioner and the writ petitioner's Counsel, Registry to list this matter again tomorrow.

5.List on 02.12.2021.

02.12.2021:

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing Yesterday i.e., 01.12.2021.



2. The position is no different today. In other words, same set of counsel for respondents in both the captioned writ petitions are before me but there is no representation for the writ petitioner today also. Be that as it may, advertent to paragraph 3 of previous proceedings Mr.M.Karuppasamy Pandian, learned counsel submits that he accepts notice for the fourth respondent also. Registry to show the name of learned counsel for fourth respondent also tomorrow.

3. In the light of the narrative thus far, with the intention of giving opportunity to writ petitioner in both the captioned writ petitions, Registry to list this matter again tomorrow.

4. List on 03.12.2021.

03.12.2021:

Read this in conjunction with and in continuation of earlier proceedings made in previous listings on 01.12.2021 and 02.12.2021, the position is no different today. In other words, there is no representation for writ petitioner, though Mr.T.Amjadkhan, learned Government Advocate on behalf of respondents 1 and 2, Mr.M.Karuppasamy Pandian, learned counsel on behalf of respondents 3 and 4 and Mr.S.Manohar, learned private counsel on behalf of fifth respondent are before me, with the intention of giving further opportunity to writ petitioner and writ petitioner's counsel in both the captioned writ petitions, Registry to list this matter again on Monday.

2. List on 06.12.2021.

06.12.2021:

Read this in conjunction with and in continuation of earlier proceedings made in previous listings dated 01.12.2021, 02.12.2021 and 03.12.2021, the position is no different today. In other words, Mr.T.Amjadkhan, learned Government Advocate on behalf of respondents 1 and 2, Mr.M.Karuppasamy Pandian, learned private counsel on behalf of respondents 3 and 4 and Mr.S.Manohar, learned private counsel on behalf of fifth respondent are before me but there is no representation for the writ petitioner today also.

2. In the light of there being no representation for the writ petitioner for three consecutive / successive previous listings, Registry to list captioned matters under the cause list caption 'FOR DISMISSAL' tomorrow.

3. List on 07.12.2021.'



2. Owing to the earlier proceedings made in the immediate previous listing on 06.12.2021, captioned writ petitions and writ miscellaneous petitions (WMPs) therein have been listed today under the cause list caption 'FOR DISMISSAL'.

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3. The position is no different today. In other words, Mr.T.Amjadkhan, learned Government Advocate on behalf of respondents 1 and 2, Mr.M.Karuppasamy Pandian, learned private counsel on behalf of respondents 3 and 4 and Mr.S.Manohar learned private counsel on behalf of fifth respondent are before me but there is no representation for the writ petitioner today also.

4. In the light of the proceedings made in the earlier four listings, it comes to light that this is the fifth consecutive / successive listing in which the writ petitioner has not chosen to come before this Court and pursue the matter.

5. In the light of the trajectory the matter has taken I am convinced that adequate and ample opportunity has been given to the writ petitioner but the writ petitioner has not come forward to pursue the matter. The consequence is captioned writ petition and all captioned writ miscellaneous petitions thereat are dismissed for default / non-prosecution. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

To

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Utthamar Gandhi Salai,
Nungambakkam, Chennai-600034.

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

3.The Executive Officer,
Arulmighu Swayambu
Saneeswara Bhagavan Thirukovil,
Kuchanur, Uthamapalayam Taluk,
Erethi, Dindigul District.

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



4.The Fit Person,
Arulmighu Swayamhu
Saneeswara Bhagavan Thirukovil,
Kuchanur, Uthamapalayam Taluk,
Theni District.

+1 CC to M/s.S.MANO HAR, Advocate (SR-37716[F] dated 08/12/2021)

+1 CC to M/s.SPL GP (SR-37756[F] & SR-37757[F] dated 08/12/2021)

W.P(MD)Nos.19372 & 19389 of 2016
and W.M.P. (MD)Nos.13964, 13965,

13971 & 13972 of 2016

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MGJ(16.12.2021) 5P 7C