



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.[MD]No.10853 of 2017

and

W.M.P(MD) .No.8273 of 2017

WEB COPY

Dr.Padmavathy

: Petitioner

Vs.

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment
Department, Madurai.

2. The Managing Trustee,
Arulmigu Kottaimariamman Temple,
Dindigul.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the second respondent to fill up the vacancy of hereditary trusteeship in the place of SMDR.Sudandirarajan in Arulmigu Kottaimariamman Temple, Dindigul in accordance with the prevailing usage, custom of issuing publication, tom tom in consonance with the judgment and decrees O.S.No.55/1969 and A.S.No.48/1975 dated 04.08.1971, 06.03.1978 respectively on the basis of petitioner's representation dated 24.10.2016.

For Petitioner : Mr.J.Karmega Kannan

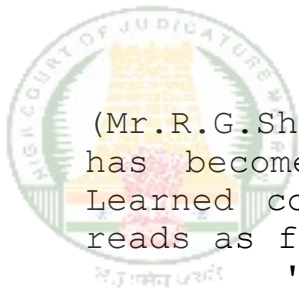
For Respondents : Mr.A.Baskaran, A.G.P for R1
Mr.S.M.Arunkumar for R2

O R D E R

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 10.12.2021.

2. Mr.A.Baskaran, learned Additional Government Pleader on behalf of first respondent and Mr.S.M.Arunkumar, learned counsel representing the private counsel on record for second respondent are before me.

3. Be that as it may, Mr.J.Karmega Kannan, learned counsel representing the counsel on record for writ petitioner



(Mr.R.G.Shankar Ganesh) submits that the captioned writ petition has become infructuous as trustees have since been appointed. Learned counsel has made an endorsement in the case file which reads as follows:

'This matter challenging the appointment of trustees. At present trustees were appointed. Hence, nothing survives in this matter. Kindly permit to withdraw.'

4. It is pointed out by Mr.S.M.Arunkumar, learned counsel representing the counsel on record for second respondent that the captioned writ petition is not one challenging the appointment of trustees but it is with a mandamus prayer to consider the representation of writ petitioner and to that extent, submission of learned counsel for second respondent is correct. However, learned counsel for writ petitioner submits that there is no change in the obtaining position that captioned writ petition has become infructuous and he wants to withdraw.

5. Recording the stated position of the writ petitioner, captioned writ petition is dismissed as withdrawn. Though obvious it is made clear that this Court has not expressed any view or opinion on the merits of the matter in this order. Consequently, connected W.M.P is also dismissed as withdrawn. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment
Department, Madurai.
2. The Managing Trustee,
Arulmigu Kottaimariamman Temple,
Dindigul.

+1 CC to M/s.SPL GP (SR-39513[F] dated 20/12/2021)

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