



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2021

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THE HON'BLE MR.JUSTICE M.SUNDAR

W.P(MD) .No.17884 of 2017

and

W.M.P(MD) .No.14415 of 2017

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Guru.Shanmugavel Mukkandar Nadar

... Petitioner

-Vs.-

1.The Secretary to Government,
Tamil Development &
Hindu Religious and Charitable
Endowment Department,
St.George Fort, Chennai-600 009.

2.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam,
Chennai-600 034.

3.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Sivagangai - 630 561,
Sivagangai District.

4.The Executive Officer,
Arulmighu Adaikalam Katha Ayyanar
and Padrakali Amman Temple,
Madapuram, Thiruppuvanam Taluk & Post,
Sivagangai District.

5.M.Thilakraj

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records relating to the impugned order issued by the second respondent in his proceedings in Na.Ka.No.45188/2016/A2 dated 08.10.2016 and quash the same on the ground that the same is arbitrary, illegal and consequently directing the first respondent herein to conduct the election for electing Trustees belonging to Mukkanda Nadar Community of Madapuram Village to the Arulmighu Adaikalam Katha Ayyanar and Padrakali Amman Temple, Madapuram in exercise of his powers under Section 47(1) of the Tamil Nadu Hindu Religious & Charitable Endowments Act, 1959 (Act 22 of 1959) by implementing the Rule 3 of the Scheme Decree passed in O.A.No.12 of 1977 within the time stipulated by this Court.



For Petitioner : No Appearance
For Respondents : Mr.T.Amjadkhan
Govt. Advocate for R1 to R3
Dr.C.Guhaseelarupan
for R4

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O R D E R

Read this in conjunction with and in continuation of earlier proceedings made in previous listings on 20.12.2021, 21.12.2021 and 22.12.2021 which read as follows:

Proceedings dated: 20.12.2021:

'Mr.T.Amjadkhan, learned Government Advocate is before me on behalf of respondents 1 to 3. Fourth respondent (Executive Officer of temple concerned) has entered appearance through a private counsel and name of the private counsel is shown in the cause list but there is no representation. The position regarding the fifth respondent (private respondent) is not clear but there is no representation for writ petitioner, therefore, with the intention of giving opportunity to writ petitioner and writ petitioner's counsel, Registry to list this matter again tomorrow.

List on 21.12.2021.'

Proceedings dated 21.12.2021:

'Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 20.12.2021.

2. The position is no different today. In other words, Mr.T.Amjadkhan, learned Government Advocate is before me on behalf of respondents 1 to 3. Fourth respondent (Executive Officer of temple concerned) has entered appearance through a private counsel and name of the private counsel is shown in the cause list but there is no representation. The position regarding the fifth respondent (private respondent) is not clear but there is no representation for writ petitioner. With the intention of giving opportunity to writ petitioner and writ petitioner's counsel, Registry to list this matter again tomorrow.

3. List on 22.12.2021.'

Proceedings dated 22.12.2021:

'Read this in conjunction with and in continuation of earlier proceedings made in previous listings on



20.12.2021 & 21.12.2021, the position is no different today.

2.Mr.T.Amjadkhan, learned Government Advocate is before me on behalf of respondents 1 to 3. The position regarding fourth and fifth respondents remains the same as in the previous listing, more importantly there is no representation for the writ petitioner today also.

3.Registry to list this matter tomorrow albeit under the cause list caption 'FOR DISMISSAL'.

4.List on 23.12.2021, under the cause list caption 'FOR DISMISSAL'.

2. Pursuant to the previous proceedings made on 22.12.2021, captioned main writ petition and captioned W.M.P thereat have been listed under the caption 'FOR DISMISSAL' but the position is no different today. In other words, Mr.T.Amjadkhan, learned Government Advocate on behalf of respondents 1 to 3 and Dr.C.Guhaseelarupan, learned private counsel on behalf of fourth respondent (Executive Officer of the Temple concerned) are before me but there is no representation for writ petitioner.

3. From the narrative thus far, it is clear that the writ petitioner has not come forward to pursue the captioned matter in spite of adequate and ample opportunities being given. To be noted, this is the fourth consecutive/successive listing where there has been no representation for writ petitioner.

4. The sequitur is, captioned main writ petition and captioned W.M.P thereat are dismissed for default/non-prosecution. There shall be no order as to costs.

Sd/-

Assistant Registrar (P&A)

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/ /2022

Sub Assistant Registrar(CS)

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To

1.The Secretary to Government,
Tamil Development &
Hindu Religious and Charitable
Endowment Department,
St.George Fort, Chennai-600 009.



2.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam,
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3.The Joint Commissioner,
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Endowment Department,
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4.The Executive Officer,
Arulmighu Adaikalam Katha Ayyanar
and Padrakali Amman Temple,
Madapuram, Thiruppuvanam Taluk & Post,
Sivagangai District.

+1 CC to M/s.C.GUHASEELA RUPAN, Advocate (SR-40365[F]
dated 23/12/2021)

W.P(MD) .No.17884 of 2017
23.12.2021

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