



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.1547 of 2022

C.R.Vijay

...Petitioner

Vs.

The Joint Commissioner,
Tamil Nadu Hindu Religious & Charitable
Endowments Admn. Department,
Rama Krishna Mutt Road
Mylapore
Chennai - 600 004.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to either to dispose off the main petition in M.P.No.1 of 2003 on the file of the Joint Commissioner, Rama Krishna Mutt Road, Mylapore, Chennai-600 004, within a specified time limit or to furnish a copy of the speaking order Post Remand in M.P.No.1 of 2003.

For Petitioner : Mr.K.Ashok Kumar

For Respondent : Mr.T.Chandrasekaran
Special Government Pleader
[For HR&CE)

ORDER

The relief sought for in the present writ petition is to direct the respondents to either to dispose off the main petition in M.P. No.1 of 2003 on the file of the Joint Commissioner, Rama Krishna Mutt Road, Mylapore Chennai, within a specified time limit or to furnish a copy of the speaking order Post Remand in M.P.No. 1 of 2003.

2. The relief sought for in the writ petition indicates that the petitioner has taken a presumptive stand. The presumptive stand cannot provide cause for definite adjudication and for issuance of appropriate directions by the High Court. Any cause must be a definite one for the purpose of effective adjudication of the issues. However, the learned counsel for the



petitioner drew the attention of this Court with reference to the order dated 13.04.2005 wherein, the Joint Commissioner passed an order in M.P.No.1 of 2013.

3. A Perusal of the said order reveals that M.P.No.1 of 2013 was dismissed as devoid of merits and the petitioner who filed the miscellaneous petition was Mr.C.R.Ratan against Dr.P.V.Raj Kumar. Against the said order of dismissal of miscellaneous petition, Mr.C.R.Ratan filed an appeal in A.P.No.22 of 2008 and the said appeal was also disposed of by the Commissioner of HR&CE Department on 19.06.2008. Therefore, it is apparantly clear that both in M.P.No.1 of 2003 as well as in A.P.No.22 of 2008, the petitioner was not a party. Mr.C.R.Ratan, who is the father of the petitioner is a party to the miscellaneous proceedings and the appeal proceedings. This apart, the miscellaneous petition was disposed of in the year 2005 and the appeal was disposed of in the year 2008 and the present writ petition is filed in the year 2022 after a lapse of about 14 years from the date of disposal of appeal and 16 years from the date of disposal of the miscellaneous petition.

4. The learned counsel for the petitioner further contended that the Commissioner, H.R.&C.E. Department remanded the petition filed in M.P.No.1 of 2003, notice on miscellaneous petition was issued on 27.04.2011 and further notice was issued by the Joint Commissioner on 31.12.2012 fixing the date of hearing as 09.01.2012 at 3.00pm. Even then the said notices referred by the learned counsel for the petitioner are of the year 2013, then also 8 years lapsed. Thus, it is not made clear by either of the parties whether the miscellaneous petition is pending as of now.

5. The learned counsel for the petitioner states that it is pending. If so it is for the petitioner to initiate all necessary steps to implead himself in the petition and pursue the matter in the manner known to law. Contrarily, the relief as such sought for in the present writ petition which is presumptive cannot be granted and the petitioner is at liberty to approach the competent authority for the purpose of adjudication of the issues if any pending.

6. With these clarifications, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar



Jeni/Cse

To

The Joint Commissioner,
Tamil Nadu Hindu Religious & Charitable
Endowments Admn. Department,
Rama Krishna Mutt Road
Mylapore
Chennai - 600 004.

+lcc to Mr.K.Ashok Kumar, Advocate, S.R.No.6696

+lcc to the Government Pleader, S.R.No.6193

W.P.No.1547 of 2022

KSM(CO)
SB(14/02/2022)