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Writ Petition No.7819 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14/11/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition No.7819 of 2011

a n d

M.P.No.1 of 2011

1. K.P.Subbiah
 2. S. Rajamanickam
 3. A.P.Srinivasan
- ... Petitioners

Vs

1. The Commissioner
Hindu Religious and Charitable
Endowment Department
Nungambakkam High Road
Chennai 600 034.
 2. The Joint Commissioner
Hindu Religious and Charitable
Endowment Department
1 West Chithirai Street
Madurai 625 001.
 3. The Area Committee
Madurai District
Hindu Religious and Charitable
Endowment Department
1 West Chithirai Street
Madurai 625 001.
 4. R. Dhanushkodi Pathar
 5. V. Rajendran
 6. A. Manimaran
- ... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the proceedings in RP.249/2005 D2 dated 11/10/2010 on the file of the first respondent and to quash the same and to forbear the respondents 1 to 3 from appointing any Trustees other than the petitioners to Arulmighu Siddanathasamy Temple, Madurai, outside the scheme settled in O.A.No.43 of 1993 on the file of the Deputy Commissioner, Hindu Religious and Charitable Endowment Department, Madurai.

For Petitioners	...	Mr.S.Subbiah Senior Counsel for Mr.P.Raja
For respondents	...	Mr.K.Karthikeyan Government Advocate for R.R.1 to 3. Mr.V.Srikanth for R.R4 and 5 No appearance for R.6.

ORDER

This writ petition has been filed praying to quash the proceedings, dated 11/10/2010, made in RP.249/2005 D2, on the file of the first respondent and to forbear the respondents 1 to 3 from appointing any Trustees other than the petitioners to Arulmighu Siddanathasamy Temple, Madurai, outside the scheme settled in O.A.No.43 of 1993 on the file of the Deputy Commissioner, Hindu Religious and Charitable Endowment Department, Madurai.



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2. Heard Mr.S.Subbiah, learned Senior Counsel for the petitioners, Mr.K.Karthikeyan, learned Government Advocate for the respondents 1 to 3 and Mr.V.Srikanth, learned counsel for the respondents 4 and 5.

3. There is no representation on behalf of the sixth respondent.

4. Today, when the matter is taken up for hearing, learned Senior Counsel appearing for the petitioners submitted that as far as the first petitioner is concerned, he is withdrawing his case. He further submitted that pending writ petition, the second petitioner is died.

5. Submission of the learned Senior counsel is recorded.

6. Though the order, dated 28/1/2005, was put into challenge, which relates to the appointment of trustees, for the period from 2005 – 2008, before the Commissioner, HR & CE Department, Chennai, in R.P.No.249/2005 D2, the same was dismissed on two grounds, viz., the first petitioner died and secondly, period of office of the respondents 3 to 5 therein was already over by an efflux of time.



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7. The learned Government Advocate, appearing for the respondents 1 to 3 brought to the notice of this Court that in the meanwhile, Scheme is also modified and to substantiate his case, he has produced a letter, dated 18/10/2011, issued by the Joint Commissioner, HR & CE Department, Madurai.

8. In such a view of the matter, no further order is required in this writ petition. Hence, this writ petition is dismissed as infructuous, as far as the third petitioner is concerned. If the third petitioner is aggrieved, he is at liberty to challenge the Scheme, dated 18/10/2011, as per law.

No costs. Consequently, the connected Miscellaneous Petition is closed.

14/11/2022

Index : Yes / No

Internet: Yes

Speaking/non speaking order

mvs.



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