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W.P.No.27042 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.27042 of 2022

1.G.Gopal

2.G.Raman @ G. Ramesh

3.G.Ashok

4.G.Babu

... Petitioners

Vs.

1.The Commissioner,
Department of Hindu Religious and Charitable Endowments,
Nungambakkam High Road,
Chennai - 600 034.

2. The Joint Commissioner,
Department of Hindu Religious and Charitable Endowments,
119, Uthamar Gandhi Road,
Thousand Lights West,
Nungambakkam,
Chennai - 600 034.

3.Fit person / Executive Officer,
Arulmighu Katchaleeswarar Temple,
No.77, Armenian Street,
Chennai - 600 001.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second



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respondent to dispose of the application in O.A.No.32 of 1988 by the petitioners' father C.K.Gajapathy in accordance with law.

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For Petitioners : Mr.Karthikaa Ashok

For Respondents : Mr.K.Karthik
Government Advocate
for R1 and R2

Mr.S.D.Ramalingam
for R3

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the second respondent to pass final orders in the application viz., O.A.No.32 of 1988 filed by the petitioners' father C.K.Gajapathy, within a time frame to be fixed by this Court.

2. The said application has been filed under Section 63 (a) of the Hindu Religious and Charitable Endowments Act (hereinafter referred to as HR&CE Act). The contentions of the petitioners before this Court is that in A.S.Nos.424 and 554 of 2005, the lower Appellate Court allowed the Appeal filed by the Hindu Religious and Charitable Endowments Department (hereinafter referred to as HR&CE Department) only on the



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ground that an application under Section 63 (a) of the HR&CE Act which was filed by the petitioners' father is pending before the HR&CE Department. The petitioners' father who is now no more had also filed the Second Appeal before this Court, aggrieved by the findings of the lower Appellate Court in A.S.Nos.424 and 554 of 2005.

3. In this Writ Petition, the petitioner seeks for a limited relief viz., seeking for early disposal of the application viz., O.A.No.32 of 1988 filed under Section 63 (a) of the HR&CE Act.

4. It is now brought to the notice of this Court by the learned Government Advocate that the application viz., O.A.No.32 of 1988 filed by the petitioners' father under Section 63(a) of the HR&CE Act was already withdrawn by him on 08.11.1995 while he was alive.

5. Learned counsel for the petitioners after hearing the submissions made by the Government Advocate appearing for the respondents would submit that the petitioners will have to be provided with a certified copy of the letter given by their father to the HR&CE Department, withdrawing



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O.A.No.32 of 1988 which was filed under Section 63(a) of the HR&CE Act.

6. No prejudice would be caused to any of the parties, if such a direction is issued by this Court.

7. For the foregoing reasons, this Writ Petition is disposed of after recording the submission made by the learned Government Advocate based on his written instructions that the application viz.,O.A.No.32 of 1988 filed by the petitioners' father under Section 63 (a) of the HR&CE Act has already been withdrawn on 08.11.1995 and by directing the second respondent to issue the certified copy of the said withdrawal letter issued by the petitioners' father to the petitioners within a period of one week from the date of receipt of a copy of this order. No Costs.

11.11.2022

Index : Yes/No
Speaking Order : Yes / No
ab



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To

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ABDUL QUDDHOSE. J.,

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(1/2)**