



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

WEB COPY

W.A(MD)No. 352 of 2022

and C.M.P.(MD) Nos. 3470 & 3471 of 2022

N.Mahalakshmi

.. Appellant/Petitioner

Vs

The Deputy Commissioner /
Executive Officer,
Arulmighu Kallalagar Temple,
Alagar Temple, Madurai District.

.. Respondent/Respondent

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 05.04.2022 made in W.P.(MD) No. 6286 of 2022.

Prayer in WP(MD). 6286/ 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents receive charges, to issue receipt in the petitioner name and permit to perform charity and mandagapadi service during chitrai festival on 14.04.2022 to 20.04.2022 by bring lord kallalagar to the mandabam comprised in door No.3/236, Mathur Village, Appanthirupathi Madagapadi No.60 Madurai district and subsequent years also on the basis of representation dated 01.04.2022

For Appellant : Mr.R.Anand for
Mr.N.Balasubramanian

For Respondent : Mr.K.R.Laxman

JUDGMENT

[Delivered by PARESH UPADHYAY, J.]

Challenge in this appeal is made to the order dated 05 April 2022 recorded on W.P(MD) No.6286 of 2022. This appeal is by the writ petitioner.

2. Learned advocate for the appellant has submitted that, learned Single Judge has merely given direction to consider the representation and pass orders after hearing other members along with the petitioner. It is submitted that, such a direction was



insufficient, considering the grievance of the petitioner and positive direction ought to have been given.

3. During the course of hearing, learned Additional Government Pleader has shown the order dated 06.04.2022 which is stated to have been passed in due compliance of the directions of learned Single Judge. We find that, the order of learned Single Judge has thus outlived its life and no useful purpose would be served by entertaining this writ appeal any further.

4. Learned advocate for the appellant has submitted that, considering the urgency of the ongoing festival, relief be granted to the petitioner in this appeal.

5. We find that, the relief asked for by the petitioner can not be granted in this appeal for more than one reason. Firstly, the sustainability of the order dated 06.04.2022 can not be the subject matter of this writ appeal, where the challenge is to the order dated 05.04.2022. Additionally, learned Single Judge had given direction to pass order after hearing all the parties. From the order dated 06.04.2022, which is sought to be assailed in this appeal by learned advocate for the appellant, we find that, there are other male members of the family to which the petitioner / appellant belongs and according to the said order, keeping in view of the provision of the trust deed, relief asked for by the petitioner could not be granted. We find that, had these facts been correctly put in the writ petition by joining all the parties, even the direction given by learned Single Judge would also have stood in a different form. We do not intend to entertain this argument.

6. Learned advocate for the appellant has further submitted that, the order dated 06.04.2022 be not permitted to be taken advantage of by other parties. In this regard, we find that, the order is passed by the competent authority, that too pursuant to the directions of learned Single Judge, in which we are not interfering and therefore, whosoever is entitled to take support from the said order, the said party will be well within its right to do so and unless and until that order is challenged and interfered by the competent forum, the said order stands with full force.

7. For the above reasons, this writ appeal is dismissed. No costs. Consequently, connected miscellaneous petitions would not survive.

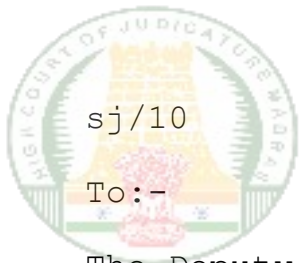
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Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)



sj/10

To:-

The Deputy Commissioner /
Executive Officer,
Arulmighu Kallalagar Temple,
Alagar Temple, Madurai District.

+1 CC to M/s.K.R. LAXMAN, Advocate (SR-18648[F] dated 13/04/2022)
W.A(MD)No.352 of 2022
13.04.2022

AM(CO)

KB(27.04.2022) 3P 3C