



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.02.2022**

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. (MD) No.7794 of 2018

S.Ponnu Perumal

... Petitioner

/vs./

1. The Commissioner,
Hindu Religious &
Charitable Endowment Department,
Chennai.
2. The Joint Commissioner,
Hindu Religious &
Charitable Endowment Department,
Sivagangai,
Sivagangai District.
3. The Assistant Commissioner,
Hindu Religious &
Charitable Endowment Department,
Paramakudi,
Ramanathapuram District.

4. R.Senthil Velavan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for records relating to the order in I.A.Nil/2018 in O.A.No.8/2016/C1, dated 19.03.2018 signed on 25.03.2018 and set aside the same and further issue a direction to the 2nd Respondent herein to number the ex-parte set aside petition filed on 15.02.2018 in O.A.No.8 of 2016 on the file of the 2nd Respondent herein and thereby to restore the application in O.A.No.8 of 2016 on the file for further hearing and to dispose the same within a reasonable time by affording reasonable opportunity to all the parties concerned.



For Petitioner : Mr.K.P.Krishnadoss for
Mr.S.Satheeshkumar

For R1 to R3 : Mr.P.Subbaraj
Special Government Pleader

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ORDER

This writ petition has been filed for a certiorarified mandamus to set aside the order dated 19.03.2018 passed in I.A.Nil/2018 in O.A.No.8/2016/C1 by the 2nd respondent and thereby to restore the application in O.A.No.8 of 2016 and to dispose of the same within a reasonable time by affording reasonable opportunity to all the parties concerned.

2.Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 3.

3.Under similar circumstances, earlier an order dated 02.04.2018 was passed in W.P.(MD) No.7055 of 2018, which was filed challenging the action of the 2nd respondent in refusing to number the application filed to set aside the *ex parte* order. The facts of the present case are identical with the said case.

4.Considering the order passed in W.P.(MD) No.7055 of 2018 dated 02.04.2018, this writ petition stands allowed, by directing the 2nd respondent to number the application filed by the petitioner herein and pass appropriate orders on the same on merits and in accordance with law, within a period of 6 weeks from the date of receipt of a copy of this order. The order passed by the 2nd respondent in I.A.Nil/2018 in O.A.No.8/2016/C1, dated 19.03.2018 is hereby quashed. It is needless to state that the petitioner and the contested parties shall be heard before passing such orders. No costs.

Sd/-

Assistant Registrar(ADI)

// True Copy //

/ /2022

Sub Assistant Registrar

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To

1. The Commissioner,
Hindu Religious &
Charitable Endowment Department,
Chennai.
 2. The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Sivagangai,
Sivagangai District.
 3. The Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
Paramakudi,
Ramanathapuram District.
- +1 CC to M/s.SPL GP (SR-6756[F] dated 17/02/2022)
- +1 CC to M/s.S.SATHEESH KUMAR, Advocate (SR-6625[F]
dated 16/02/2022)

W.P. (MD) No.7794 of 2018
16.02.2022

SP/02/03/2022/3P/6C