



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.06.2022

CORAM:

THE HONOURABLE **MR.JUSTICE M.NIRMAL KUMAR**

W.P.(MD)No.8740 of 2017
and WMP(MD) No.6667 of 2017

WEB COPY

Pon Mathavan

... Petitioner

Vs

- 1.The Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowment Board,
119, Uthamargandhi Road,
Nungambakkam, Chennai.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment,
(Admn Depart), Palayamkottai
Tirunelveli.
3. The Assistant Commissioner
Hindu Religious and Charitable Endowment,
Suchindram Village,
Agasteeswaram Taluk
Kanyakumari District.
4. The Joint Commissioner
Tiruchendur
Subramaniasamy Temple premises,
Tiruchendur,
Thoothukudi District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Prohibition, prohibiting the second respondent from holding any enquiry under section 78 of the Tamil Nadu Hindu religious and Charitable Endowments Act, 1959 initiated vide the second respondent's proceedings in M.P.No.23/2016/A2 dated 18.07.2016.

For Petitioner	: Mr.M.Mahaboob Athiff for M/s.Ajmal Associates
For Respondents No.1 to 3	: Mr.M.Lingadurai Special Government Pleader
No.4	: Mr.M.Muthugeethayan Standing counsel

ORDER

The learned counsel appearing for the petitioner seeks permission of this Court to withdraw the petition.

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2. At this juncture, the learned counsel appearing for the respondents 2 to 4 would submit that they do not have any objection for withdrawal of the petition. Their only grievance is that the petitioner was set exparte by the Joint Commissioner in his proceedings in MP. No.23 of 2016 and thereafter the petitioner filed an application to set aside the exparte order on 24.04.2016. He has filed the above petition on 28.04.2017 for writ of prohibition directing the second respondent not to proceed with MP No. 23 of 2016 and the same is still pending. In view of the same they seek direction of this Court to complete the proceedings in MP No. 23 of 2016 within the stipulated period .

3. It is made clear that proceedings in MP No. 23 of 2016, unless the petitioner obtained any order of stay from the Commissioner or appropriate authorities, cannot be kept endlessly. In view of the same, the Joint Commissioner is directed to complete the enquiry in MP No.23 of 2016 within a period of three months from the date of receipt of a copy of this order.

4. The petitioner had simply made an endorsement, which reads as under:

"May be permitted to with drawn".

5. Recording the same, the Writ Petition stands dismissed as withdrawn without reserving any right. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (Protocol)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

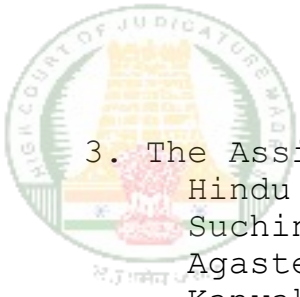
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To

1.The Commissioner,
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Endowment Board,
119, Uthamargandhi Road,
Nungambakkam, Chennai.

2. The Joint Commissioner,
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3. The Assistant Commissioner
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WEB COPY

4. The Joint Commissioner
Tiruchendur
Subramaniasamy Temple premises,
Tiruchendur,
Thoothukudi District.

+1 CC to M/s.M. MUTHUGEETHAYAN, Advocate (SR-28154[F]
dated 27/06/2022)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-28298[F]
dated 27/06/2022)

+1 CC to M/s.SPL.GP (SR-28242[F] dated 27/06/2022)

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SRK (CO)

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