



W.P.No.23954 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2023

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No. 23954 of 2010
and M.P.No.1 of 2010

Sri Kasiviswanathar Temple
Velur
Rep by its Hereditary Trustee
Easwara Sundaram
S/o.V.K.Eswara Iyer
18, Agraharam, Paramathi Velur
Namakkal

.. Petitioner

Versus

1. Hindu Religious & Charitable Endowment Department
Rep by The Commissioner
Nungambakkam
Chennai – 600 034

2.The Joint Commissioner
Hindu Religious & Charitable Endowment Department
Salem – 1

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records from the second respondent pertaining to his proceedings in செ.மு.நட.ந.க.எண்.9805/2009/ஆ2 dated 16.09.2010, quash the same.



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For Petitioner

: Mr.B.Vijayakumar
Change of Vakalat not filed

For Respondents

: Mr.Rajendran
Additional Government Pleader

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ORDER

This writ petition has been filed by the Hereditary Trustee of the petitioner temple challenging the order of the second respondent made in செ.மு.நட.ந.க.எண்.9805/2009/ஆ2 dated 16.09.2010, calling for auctioning the subject land for the purpose of lease from the general public.

2. The grievance of the petitioner is that the entire subject property is managed by the Hereditary Trustee, since the temple is an excepted temple from the Respondent Department. Therefore, the impugned order cannot be passed by the Respondent Authority.

3. Today, when the case was taken up, Mr. B.Vijayakumar, learned counsel appeared before this Court without filing any Vakalat submitted that the person who had filed this writ petition had died, hence, seeks time to implead the legal heirs. Though the said representation is made before this Court and no Vakalat has been filed to represent this matter.



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4. In such view of the matter, this Court is of the view that as the Hereditary Trustee has already died, unless and until, the legal heirs have been recognized by the respondent authorities, the present writ petition is nothing but only an academic and have become infructuous.

5. Hence, these writ petition stands dismissed as having become infructuous. No costs. Consequently, connected miscellaneous petition is closed.

02.01.2023

dhk

Index:Yes/No

Speaking Order : Yes / No

To

1. The Commissioner
Hindu Religious & Charitable Endowment Department
No.119, Uttamar Gandhi Salai
Chennai - 34

2.The Joint Commissioner
Hindu Religious & Charitable Endowment Department
Salem – 1

N.SATHISH KUMAR, J.

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