



WEB COPY



W.P. No. 4858 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

**W.P. No. 4858 of 2021
and
W.M.P. No. 5471 of 2021**

1. S.Balasubramanian (Died)

2. B.Rajamani

3. B.Jayanthi

4. E.B.Saravanan

5. B.Kalaiselvi

[P2 to P5 substituted as LR's of the deceased sole petitioner
vide order dated 06.07.2023 made in W.M.P. No. 6064 of 2022
in W.P. No. 4858 of 2021]

... Petitioners

-VS-

1. The Commissioner,
Hindu Religious & Charitable Endowments Department,
Nungambakkam,
Chennai – 600034.

2. The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Coimbatore Division,
Dr. Balasundaram Salai,
Coimbatore – 641018.

3. S.Senthil Kumar

4. K.Kalpana



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5. B.Jaganathan

6. S.Sridhar

7. Arulmighu Angalamman Parameshwari Temple,
Keerakari Street,
Erode District.
[R7 *suo motu* impleaded vide order dated 03.03.2021
made in W.P. No. 4858 of 2021]

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records pertaining to the proceedings of the Respondent in R.P. No. 50 of 2018 D2 dated 03.01.2020 and quash the same.

For Petitioners : Ms. V.S.Usha Rani

For Respondents : Mr. K.Karthikeyan,
Government Advocate (HR & CE)
(for R1, R2 & R7)

Mr. V.Srikanth (for R3 to R6)

ORDER

Heard Ms. V.S.Usha Rani, Learned Counsel for the Petitioners, Mr. K.Karthikeyan, Learned Government Advocate appearing for the First, Second and Seventh Respondents and Mr. V.Srikanth, Learned Counsel for the Third to Sixth Respondents and perused the materials placed on record, apart from the pleadings of the parties.



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2. The First Respondent by order dated 03.01.2020 in R.P. No.50 of 2018 (D2) had set aside the order dated 06.12.2017 in M.P. No.24 of 1998 passed by the Second Respondent and remanded back the said case for fresh enquiry and disposal, which is assailed by the Petitioner in this Writ Petition.

3. In response to the query raised, Learned Counsel for the Petitioners submits that though the Petitioners are not aggrieved by the result of the impugned order, the observations made therein are likely to prejudicially affect their interests in the matter.

4. Having regard to the aforesaid submissions made, it is made clear that while adjudicating the matter afresh, the Second Respondent shall be uninhibited and uninfluenced by any of the observations made by the First Respondent in the impugned order and that full opportunity of personal hearing shall be afforded to all parties concerned following prescribed procedure and each of the contentions raised by them shall be decided on merits and in accordance with law and its outcome shall be communicated under written acknowledgment.



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5. Learned Government Advocate appearing for the First, Second and Seventh Respondents, on instructions, states that the next hearing of the matter has been fixed on 15.11.2023 and due notice would be sent to all parties concerned. The Second Respondent shall be at liberty to pass any interim order in the matter, and the interim order granted by this Court on 03.03.2021 shall continue to be in force till then or 15.11.2023, whichever is earlier.

In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

16.10.2023

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Index: Yes/No

Note: Issue order copy by 31.10.2023.

To

1. The Commissioner,
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Nungambakkam,
Chennai – 600034.
2. The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Coimbatore Division,
Dr. Balasundaram Salai,
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P.D. AUDIKESAVALU, J.

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