



W.A.No.2439 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

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

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Arulmigu Siva-Vishnu Bakthargal Seva Sabha,
rep. by its Secretary Adi Kesavan,
No.16, Pughazendhi Street,
MGR Nagar,
Chennai-600 078.

.. Appellant

Vs

- 1.The State of Tamil Nadu,
rep. by its Secretary,
Department of Tourism, Culture & Religious Endowments,
Secretariat, Chennai-600 009.
- 2.The Commissioner,
Hindu Religious & Charitable Endowment,
119, Mahatma Gandhi Road,
Nungambakkam,
Chennai-600 034.
- 3.The Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
Chennai District.



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4.The Executive Officer,
Arulmigu Sakthi Vinayagar Thirukoil,
K.K. Nagar,
Chennai-600 078.

.. Respondents

Prayer : Appeal under Clause 15 of the Letters Patent against the order passed by the learned Single Judge in W.P.No.11158 of 2023 dated 12.4.2023.

For the Appellant : Mr.J.Ravikumar

For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by
Mr.K.Karthik Jegannath
Government Advocate
for respondent No.1

: Mr.N.R.R.Arun Natarajan
Spl. Govt. Pleader (HR & CE)
for respondent Nos.2 to 4

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.J.Ravikumar, learned counsel for the appellant; Mr.P.Muthukumar, learned State Government Pleader, assisted by Mr.K.Karthik Jegannath, learned Government Advocate for the first respondent; and, Mr.N.R.R.Arun Natarajan, learned Special Government Pleader for respondents 2 to 4.



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2. The appellant is challenging the impugned order passed by the learned Single Judge in a writ petition filed by the appellant challenging the appointment of a Fit Person.

3. The paramount submission of learned counsel for the appellant is that the order impugned in the writ petition is passed without notice to the appellant and without giving opportunity to the appellant.

4. The learned Single Judge considered the said aspect and set aside the impugned order and directed the appellant to file a reply within ten days and the authority was directed to take a decision within four weeks. Till a decision is taken, status-quo is directed to be maintained.

5. The aforesaid order is passed on 12.4.2023. In compliance of the said order, had the appellant filed its reply, orders would have been passed by now. The learned Single Judge has also given



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liberty to the appellant to file an appeal under Section 63(a) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

6. Considering the aforesaid, we are not inclined to interfere with the order passed by the learned Single Judge. The appellant may file a reply as directed by the learned Single Judge in the impugned order within seven days from today and on receipt of the reply, the authority shall take a decision within four weeks. Till then, the order of status-quo, as directed by learned Single Judge, be maintained.

The writ appeal is disposed of accordingly. There will be no order as to costs. Consequently, C.M.P.No.20406 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No
Neutral Citation : Yes/No
sasi



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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU,J.

(sasi)

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