



CRP.No.3813 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 02.11.2023

CORAM :

THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

Civil Revision Petition No.3813 of 2023

1.V.Velusamy
2.M.Rajagopal
3.G.Sathish Kumar
4.K.Jagadeesh
5.K.Kandasamy

.. Petitioners

Versus

1.The Commissioner
H.R. & C.E.Department
Uthamar Gandhi Salai,
Nungambakkam,
Chennai-34.

2.The Joint Commissioner
H.R. & C.E.Department,
Coimbatore.

3.E.Kandasamy
4.S.Selvaraj
5.G.Revathi
6.K.Parveen Kumar
7.A.Bharathan
8.V.Pugalendi
9.M.Ganesan
10.K.Munusamy

.. Respondents



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Civil Revision Petition filed Under Article 227 of Constitution of India, praying to direct the 1st respondent to dispose of the unnumbered Miscellaneous Petition filed by the petitioners on 24.02.2023 seeking to implead themselves as respondents in R.P.No.127 of 2022.

For Petitioners : Mr. S. B. Viswanathan
For R3 to R10 : Mr. T.Balaji
For R1 & R2 : Mr. V. Jeevagiridharan
Additional Government Pleader

ORDER

The petitioners have filed this revision petition to direct the 1st respondent to dispose of the unnumbered Miscellaneous Petition filed by the petitioners on 24.02.2023 seeking to implead themselves as respondents in R.P.No.127 of 2022 on the file of the 1st respondent.

2. Before the Court below, the respondents 3 to 10 have filed R.P.No.127 of 2022, praying the Commissioner to call the entire records in respect of O.A.No.17/99, dated 26.06.2007 from the Joint Commissionoer, Coimbatore and may kindly be initiated proceedings under Section 69(2) of the HR & CE Act and nullify and cancel the order of the Joint Commissioner, Coimbatore in O.A.No.17 / 99 dated 26.06.2007 and declare the petition mentioned temple Arulmigu Kulatheri Plague Mariamman Temple at Singanallur in Coimbatore South Taluk and Coimbatore District. Thereafter, the respondents 3 to 10 have filed M.P.No.1 of 2022 in R.P.No.127 of 2022,



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before the Commissioner, HR & CE Admin. Department, Chennai-34, praying to grant interim stay against the notification dated 28.04.2022 issued by the Joint Commissioner, HR & CE Admin. Department, Coimbatore, in Thinathanthi News paper of Coimbatore Edition in Item No.49 in inviting applications for the appointment of non-hereditary trustees and the same was stayed on 22.07.2022 and the main revision petitioner is posted for hearing on 03.08.2022. On 24.02.2023 the revision petitioners have filed an unnumbered Miscellaneous petition, before the Commissioner HR & CE, Administration Department, Chennai-34, seeking to implead themselves as respondents in R.P.No.127 of 2022, which is still pending from the year 2022.

3.The learned counsel for the revision petitioners submitted that originally the temple was established by Annaji Naidu of Kammavar Naidu Community and therefore, in the Scheme it was specified that trustees could be appointed only from Kammavar Naidu Community people. The respondents 3 to 10 have filed the above revision petition challenging the scheme framed in favour of Kammavar Naidu Community. Therefore, it is just and necessary to implead representatives of Kammavar Naidu Community as respondents in the Revision Petition. But, the respondents 3 to 10 herein deliberately did not implead none of the representatives of Kammavar Naidu Community people.



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He further submitted that the petitioners are necessary parties in R.P.No.127 of 2022, if opportunity is not given to them, valuable right to defend their case will be defeated. Hence, he prays to dispose of the unnumbered Miscellaneous petition.

4. On a perusal of the e-court status, the case is pending from the year 2022 and considering the submission made by the learned counsel for the revision petitioners, this Court is inclined to direct the 1st respondent /the Commissioner, HR & CE Department, Uthamar Gandhi Salai, Chennai-34, to take the un numbered Miscellaneous Petition on file, if they are other wise in order, within a period of two weeks from the date of receipt of a copy of this order and the same can be disposed of as early as possible.

5. Accordingly, this Civil Revision Petition is disposed of. Consequently connected Miscellaneous petition is closed. No costs.

02.11.2023

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation:Yes/No

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To

1. The Commissioner
H.R. & C.E.Department
Uthamar Gandhi Salai,
Nungambakkam,
Chennai-34.
2. The Joint Commissioner
H.R. & C.E.Department,
Coimbatore.
3. The Section Officer,
VR-Section, High Court of Madras.



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T.V.THAMILSELVI, J.

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