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W.P.No.25615 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.09.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.25615 of 2023

S. Srinivas Rao

...Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department
Coimbatore District.

3.The Asst. Commissioner,
Hindu Religious and Charitable Endowments Department
Coimbatore District.

4.The Executive Officer,
Arulmigu Anjaeya Swamy Thiru Kovil,
Ootacumund
Nilgiris District.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the 3rd and 4th respondent not to take further action on the basis of order passed in Miscellaneous Petition No.48/2022/AA1 dated 31.03.2022 by the 2nd respondent pending disposal of the Revision Petition No. 151 of 2022 before the 1st respondent.



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For Petitioner : Mr. T. Karunakaran
For Respondents : Mr.N.R.R. Arun Natarajan,
Special Government Pleader(HR &CE)

ORDER

The writ petitioner seeks issuance of a writ of mandamus forbearing the 3rd and 4th respondents from taking further action on the basis of the order passed in M.P.No.48/2022/AA1 dated 31.03.2022 by the 2nd respondent pending disposal of Revision Petition No.151/2022 on the file of the 1st respondent.

2. The learned counsel for the petitioner submitted that he has already filed a revision petition before the 1st respondent questioning the order passed by the 2nd respondent appointing 3rd respondent as an officer for taking attachment proceedings. The petitioner filed a revision before the 1st respondent in Revision Petition No.151/2022 and the same is pending. The petitioner also sought for interim stay of the order impugned in revision before the 1st respondent. However, the same has not been considered. Therefore, the petitioner has come up before this Court with the above writ petition.



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3. Though the petitioner filed a revision along with stay petition before the 1st respondent in May 2022 till date the petition filed by the petitioner seeking stay of order impugned in revision petition has not been considered by the 1st respondent. It is submitted by the petitioner in pursuance of the impugned order, coercive steps are being taken against the petitioner for recovering the amount. Therefore, the 1st respondent is directed to consider the stay application filed by the petitioner in pending revision in Revision Petition No.151/2022 within a period of three weeks from the date of receipt of a copy of this order. Till the stay application is considered by the 1st respondent and final order is passed, there shall not be any coercive steps against the petitioner for recovering the amount.

4. The 1st respondent is also directed to consider the revision petition in Revision Petition No.151 of 2022 and pass final orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.



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5. With the above directions, this writ petition is disposed of. No costs.

12.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

1.The Commissioner,
Hindu Religious and Charitable Endowments Department
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department
Chennai..

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department
Chennai..

4.The Executive Officer,
Arulmigu Anjaeya Swamy Thiru Kovil,
Ootacumund
Nilgiris District.

S.SOUNTHAR, J.

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