



W.P. (MD) No. 3411 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 3411 of 2023

and

W.M.P. (MD) No. 3167 of 2023

M.Muniyandi

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai.

2.V.Rasu Pillai

3.A.Veerapathira Pillai

4.V.Pitchai Pillai

5.S.R.Pitchai Pillai

6.P.Ariyanayagam

7.N.Natarajapillai

8.S.M.Nataraja Pillai

9.K.A.Nataraja Pillai

10.R.Chinnadurai

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11. The Executive Officer,
A/o. Mahadevaswamy Thirukovil, Madurai.

12. Saravanamuthu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 1st respondent herein dated 20.08.2022 in I.A.No. 05 of 2022 in O.A.No. 13 of 2010 and quash the same.

For Petitioner : Mr. R.Manickam

For Respondents : Mr. P.Subbaraj (for R1)

Special Government Pleader

Mr. S.Laxman (R2 to R5)

Mr. S.Manohar (for R11)

ORDER

Heard Mr. R.Manickam, Learned Counsel for the Petitioner, Mr. P.Subbaraj, Learned Special Government Pleader for the First Respondent, Mr. S.Laxman, Learned Counsel for the Second to Fifth Respondents and Mr. S.Manohar, Learned Counsel for the Eleventh Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who was the Fifth Respondent in the proceedings in O.A. No. 13 of 2010 before the First Respondent, was set *exparte* on



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06.04.2022. The petition in I.A. No. 5 of 2022 filed by the Petitioner to set aside that order was rejected on 20.10.2022 stating that the case had been pending from the year 2010 and that the Counsel appearing for the Petitioner, who had reported no instructions on two earlier occasions, and the proceedings have been protracted indefinitely. Aggrieved thereby, the Petitioner has challenged the said order in this Writ Petition.

3. Though the Petitioner had not been co-operating for the expeditious disposal of the case, the Petitioner has now filed an affidavit of undertaking stating that he would not seek any adjournment and would fully co-operate for early disposal of the proceedings in O.A. No. 13 of 2010 before the First Respondent. Further, a sum of Rs. 2,000/-, as directed by this Court, has been paid as costs by the Petitioner to the Learned Counsel for the Sixth Respondent, who has received it. In such circumstances, the impugned order dated 20.10.2022 in I.A. No. 5 of 2022 and the order dated 06.04.2022 in O.A. No. 13 of 2010 are set aside and the Petitioner shall be entitled to participate in further proceedings in O.A. No. 13 of 2010 before the First Respondent. It shall be ensured that there is atleast one effective hearing every week showing progress of the case till its final disposal. After affording



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full opportunity of personal hearing to the Petitioner and all other parties concerned in O.A. No. 13 of 2010 following the prescribed procedure, a reasoned order shall be passed dealing with each of the contentions raised by the concerned parties on merits and in accordance with law and decision taken communicated to all concerned parties under written acknowledgement.

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

22.02.2023

NCC : Yes/No
Index : Yes/No
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Issue order copy by 22.06.2023

To

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai.

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P.D.AUDIKESAVALU,J.

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22.02.2023