



W.P. (MD) No. 4116 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVU

W.P. (MD) No. 4116 of 2023

P.Pugalendi

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai – 600 034.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to take immediate action on the Appeal No. O.A. No. 9 of 1992 filed before the Joint Commissioner, HR and CE under Section 63 (b) of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959, which is pending from the year 1992, within the time limit that may be stipulated by this Court.

For Petitioner : Mr. Ramesh Mahadev



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For Respondents : Mr. P.Subbaraj,
Special Government Pleader

ORDER

Heard Mr. Ramesh Mahadev, Learned Counsel for the Petitioner, and Mr. P.Subbaraj, Learned Special Government Pleader, who takes notice for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the Second Respondent to expedite disposal of the Appeal in O.A. No. 9 of 1992 filed under Section 63(b) of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959, which is pending from the year 1992.

3. It is represented by Learned Special Government Pleader appearing for the Respondents that next hearing of the appeal has been fixed on 16.03.2023.

4. Having regard to the limited nature of the relief sought in this Writ

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Petition, this Court without expressing any view on the merits of the controversy involved in the matter, passes the following order:-

- (i) the Second Respondent shall examine the Appeal in O.A. No. 9 of 1992 on 16.03.2023;
- (ii) the parties or their respective Counsel shall attend the hearing on the said date as well as on the subsequent dates to which it is adjourned and extend their co-operation for the early disposal of the appeal;
- (iii) after affording full opportunity of hearing to all parties concerned following the prescribed procedure in consonance with the principles of natural justice, the Second Respondent shall deal with each of the contentions raised and pass reasoned orders on merits and in accordance with law and communicate the decision taken to the concerned parties under written acknowledgment; and
- (iv) it shall be ensured that there is atleast one effective hearing every week showing progress of the case and monthly reports in that regard shall be sent to the Registrar (Judicial) of this Court till the appeal is finally disposed.

5. In the result, the Writ Petition is disposed on the aforesaid terms. No



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costs.

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28.02.2023

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NCC : Yes/No

Index : Yes/No

Note: Issue order copy by 16.06.2023.

To

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai – 600 034.

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

Copy to

The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai – 625023.



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P.D.AUDIKESAVALU,J.

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