



W.A(MD)No.238 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2023

CORAM:

**THE HON'BLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HON'BLE MRS JUSTICE L.VICTORIA GOWRI**

W.A(MD)No.238 of 2023

Arulmigu Suttukkol,
Ramalingaswamigal Madalayam,
represented through its
Managing Trustee K.Baskaran
Door No.1, Velar Street,
Arapalayam,
Madurai-16.

:Appellant/Petitioner

.VS.

1.The Commissioner,
Hindu Religious & Charitable
Endowments Department,
119, Uthamar Gandhi Salai,
Chennai-600 034.

2.The Joint Commissioner,
Hindu Religious & Charitable,
Endowments Department,
B1 Road, Ellis Nagar,
Madurai-16.

3.The Executive Officer,
Arulmigu Suttukkol
Ramalinga Swamigal Madalayam,
Door No.1, Velar Street,
Arapalayam,
Madurai-16.

: Respondents/Respondents



W.A(MD)No.238 of 2023

PRAYER: Writ Appeal filed under Clause 15 of the Letter Patent Act, to set aside the order passed in W.P(MD)No.7862 of 2020, dated 04.01.2023.

For Appellant	:Mr.M.Ponniah
For R1 & R2	:Mr.P.Subburaj
	Special Government Pleader
For R3	:Mr.S.Manohar

JUDGMENT

(Order of the Court was made by R.SUBRAMANIAN, J.)

The ground No.3 of the grounds of appeal reads as follows:-

“3.The learned Hon'ble Single Judge failed to note at the time of hearing of the case the junior Advocate of the appellant counsel requested the Hon'ble Single Judge to adjourn the matter for a week time as his senior Advocate is not well on 04.01.2023 and pleaded for short accommodation. But his request was negativated and he was directed to made an endorsement as the writ petitioner/appellant should give up the cause title of “managing trustee” for the trust and without getting any further instruction from the writ petitioner the junior Advocate made an endorsement to withdraw the cause title of “Managing Trustee” alone. But the Hon'ble Single Judge



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W.A(MD)No.238 of 2023

dismissed the entire writ petition as if it was “Withdrawn”. Hence the order of the Hon'ble Single Judge is without give an opportunity to hear the appellant and also liable to be set aside.”

2. We do not think that this issue could be made a subject matter of an appeal. If the appellant seeks to dispute as to what is transpired before the writ Court, it is for the appellant to move the writ Court by way of review. We do not think, we can entertain this appeal on the ground that is sought to be projected by the appellant, hence, the writ appeal is dismissed with liberty to the appellant to move the writ Court by way of review. No costs.

[R.S.M.,J.] & [L.V.G.,J.]
08.03.2023

Index: Yes/No
Internet: Yes/No
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W.A(MD)No.238 of 2023

To

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W.A(MD)No.238 of 2023

R.SUBRAMANIAN, J.
AND
L.VICTORIA GOWRI, J.

am

ORDER MADE IN
W.A(MD)No.238 of 2023

08.03.2023