



*C.R.P(MD)No.1483 of 2023*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.06.2023**

CORAM

**THE HON'BLE MR.JUSTICE C.SARAVANAN**

**C.R.P(MD)No.1483 of 2023**

**and**

**C.M.P(MD)No.7358 of 2023**

- 1.The Commissioner,  
Hindu Religious and Charitable  
Endowments (Admn) Department,  
Nungambakkam High Road,  
Chennai-600 034.
- 2.The Joint Commissioner,  
Hindu Religious and Charitable  
Endowments (Admn) Department,  
Palayamkottai,  
Tirunelveli-2.
- 3.The Assistant Commissioner,  
Hindu Religious and Charitable  
Endowments (Admn) Department,  
Nagercoil -2,  
Agastheeswaram Taluk,  
Kanyakumari District.
- 4.The Inspector,  
Hindu Religious and Charitable  
Endowments (Admn) Department,  
Thuckalay & Post,  
Kalkulam Taluk,  
Kanyakumari District.

...Revision Petitioners/  
Respondents 1 to 4/  
Defendants 1 to 4



C.R.P(MD)No.1483 of 2023

Vs.

S.Shanmugam

...Respondent/Petitioner/  
Plaintiff

**PRAYER:** Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the return order dated 13.04.2023 in A.No.135/4 in I.A.No.05 of 2023 in O.S.No.340 of 2018 on the file of the Sub Court, Eraniel.

For Petitioner : Mr.M.Senthil Ayyanar  
Government Advocate

### **ORDER**

The present Civil Revision Petition has been filed against the return order dated 13.04.2023 in A.No.135/4 in I.A.No.05 of 2023 in O.S.No.340 of 2018 on the file of the Subordinate Court, Eraniel.

2. The Government Advocate on behalf of the petitioner has filed a memo in O.S.No.340 of 2018 filed by the respondent. The memo has been returned with the following endorsements:

*"How the Memo can be filed for and on behalf of Commissioner, Joint Commissioner, Assistant Commissioner and Inspector of HR & CE instead of vakalath."*



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3. The return appears to be unwarranted in view of the Order 27 of C.P.C. It is a practice followed in the High Court as also by other High Courts, wherein, the practice of memo of appearance on behalf of the Government officials is accepted in accordance with Order 27 of C.P.C.

4. In the light of the above, the impugned return order dated 13.04.2023 is set aside and the case is remitted back to the Subordinate Court, Eraniel to accept the memo of appearance.

5. The present Civil Revision Petition stands allowed with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

**28.06.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
sn

To

1.The learned Subordinate Judge,  
Eraniel.

2.The Section Officer  
Vernacular Section,  
Madurai Bench of Madras High Court,  
Madurai.

**C.SARAVANAN,J.**



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