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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 16778 of 2019

and

W.M.P(MD)Nos.13377 of 2019 & 15369 of 2023

1. A.Petchimuthu

2. Duraipandi

3. Gowri

... Petitioners

Vs.

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Sivagangai District.

2. A.Malaisamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 1st respondent in his proceedings in O.A.No.9/2017/E1 dated 11.04.2019 and quash the same and permit the petitioner Vagayara to get Kaval Mariathai continuously without any hindrance.



For Petitioners : Mr.V.Paneer Selvam

For Respondents : Mr.R.Ragavendran
Government Advocate, for R-1

Mr.S.Ram Sundarvijayaraj, for R-2

ORDER

This Writ Petition is filed for Writ of Certiorarified Mandamus, to quash the impugned order, dated 11.04.2019 and permit the petitioners Vagayara to get Kaval Mariathai.

2. Heard Mr.V.Paneer Selvam, the Learned counsel appearing for the Petitioners, Mr.R.Ragavendran, the Learned Government Advocate appearing for the 1st respondent, Mr.S.Ram Sundarvijayaraj, the Learned counsel appearing for the 2nd respondent and perused the material documents available on record.

3. The 2nd respondent has claimed Kaval mariyathai, since the same was denied he has approached the Joint Commissioner and filed a petition. After considering the 2nd respondent's petition, the Joint Commissioner has conferred the rights on the 2nd respondent. The 2nd respondent was granted Kaval Mariyathai



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since the 2nd respondent's father was getting the said Kaval Mariyathai prior to 2012 and the 2nd respondent is getting the said Kaval Mariyathai from the year 2012 onwards.

4. However, the petitioners are aggrieved by the such order. If so, then the petitioners ought to have filed appeal before the appellate authority. But the petitioner submitted the appeal ought to be filed within the prescribed period of limitation and hence the petitioner prays to condone the delay.

5. Since this Writ Petition is pending from the year 2019 onwards, from the date of filing of this writ petition delay ought to be condoned. The petitioners are directed to file a petition, within a period of four weeks, from the date of receipt of a copy of the order. The delay from the date of filing the writ petition till the date of issuing the order copy is condoned.

6. With these observations and directions, this Writ Petition is disposed of. No Costs. Since the petitioner in W.M.P(MD)No.15369 of 2023 is interested in this matter, he is at liberty to file an impleading petition before the



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Joint Commissioner and hence both the miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes
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To

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S.SRIMATHY, J

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