



WEB COPY



W.A.(MD)No.1503 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

and

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.A.(MD)Nos.1503 & 1504 of 2023

and

C.M.P.(MD)Nos.11560, 11565, 14653 & 14657 of 2023

The Joint Commissioner/Executive Officer,
Arulmigu Subramaniaswami Temple,
Hindu Religious and Charitable Endowments,
Tiruchendur, Thoothukudi District.

: Appellant in
both W.As.

Vs.

1.Saravanan

: 1st Respondent in
W.A.(MD)No.1503/2023

2.R.Hariharsubramaniyan

: 1st Respondent in
W.A.(MD)No.1504/2023

2.The Commissioner,

Hindu Religious and Charitable Endowments,
Chennai.

: 2nd Respondent
in both W.As.

COMMON PRAYER: Writ Appeals filed under clause 15 of the Letters Patent praying to set aside the order passed in W.M.P.(MD) Nos.16196 & 16199 of 2023 in W.P.(MD) Nos.19619 & 19620 of 2023, dated 11.08.2023.



W.A.(MD)No.1503 of 2023

For Appellant : Mr.M.Muthugeethayan

For R1 : Mr.R.Singaravelan
Senior Counsel
for Mr.P.Selvanayagam

For R2 : Mr.R.Baskaran
Additional Advocate General
assisted by
Mr.S.Shaji Bino
Special Government Pleader

COMMON JUDGMENT

Heard the learned counsel for the appellant, learned Senior Counsel appearing for the first respondent and the learned Additional Advocate General appearing for the second respondent.

2. These intra-Court appeals are directed against the order dated 11.08.2023 made in W.M.P.(MD)Nos.16196 & 16199 of 2023 in W.P.(MD) Nos.19619 & 19620 of 2023.

3. The said writ petitions were filed by the first respondent in the Writ Appeals questioning the communication of suspension order by the second respondent. We are of the view that if the appellant felt aggrieved by the interim orders, the remedy was to file a petition for vacating the same. Filing of intra-court appeals straightaway against grant of interim orders is to be discouraged. Only if the petition for vacating interim order is not taken up or disposed of expeditiously, the aggrieved respondent will be justified in filing writ appeal.



4. Learned counsel for the appellants would contend that the Hon'ble Judge, who entertained the Writ Petitions did not have the roster to hear the matter. But the learned Senior Counsel for the writ petitioners would contend that the subject matter would very much fall within the realm of service portfolio. According to the learned Senior Counsel, in pith and substance it is a HR & CE issue. Even this could have been raised in the petition for vacating the interim order and a speaking order could have been invited. Constitutional courts can rule on their own jurisdiction.

5. We do not want to go into this aspect of the matter. We direct the Registry to place the papers before the Hon'ble Administrative Judge to take a call in this regard. Since even without filing a petition for vacating stay, the Writ Appeal has been filed, we decline to go into the issue. The Writ Appeals are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S.,J.] & [P.D.B.,J.]

26.10.2023

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

vsm



WEB COPY



W.A.(MD)No.1503 of 2023

G.R.SWAMINATHAN, J.

and

P.DHANABAL, J.

vsm

To

The Commissioner,
Hindu Religious and Charitable Endowments,
Chennai.

JUDGMENT MADE IN

W.A.(MD)Nos.1503 & 1504 of 2023

26.10.2023