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W.P.No.9437 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 27.08.2024**

CORAM :

**THE HONOURABLE MR. JUSTICE M. DHANDAPANI**

**W.P.No.9437 of 2016**

1.K.S.Ellappa Mudaliar  
2.P.V.K.Ponnusamy Mudaliar  
3.S.K.R.S.Ramalinga Mudaliar  
4.T.P.Marimuthu Mudaliar  
5.T.A.Nagaraja Mudaliar  
6.A.Saminathan

... Petitioners

Vs.

1.The Commissioner,  
HR & CE Admn. Department,  
Chennai – 34.

2.The Joint Commissioner,  
HR & CE Admn. Department,  
Chennai – 34.

3.T.M.S. Gunasekaran  
4.T.M.A. Iniyar  
5.P.Gunasekaran  
6.Nanjappan  
7.Vairavel

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the order passed in Rc.33469/2015 D2 dated 27.01.2016 on the file of the 1<sup>st</sup> respondent quash the same and direct the



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1<sup>st</sup> respondent to take up the appeal filed by the petitioners and decide the same on merits.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.N.R.R.Arun Natarajan  
Special Government Pleader [R1 & R2]  
Mr.D.Rajagopal [R3, R4 & R7]  
No appearance [R5 & R6]

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### **ORDER**

This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus, to call for the records relating to the order passed in Rc.33469/2015 D2 dated 27.01.2016 on the file of the 1<sup>st</sup> respondent quash the same and direct the 1<sup>st</sup> respondent to take up the appeal filed by the petitioners and decide the same on merits.

2. The case of the petitioner is that, the 2<sup>nd</sup> respondent granted permission to the respondents 3 to 7 for conducting the Navarathiri festival, aggrieved by the same, the petitioners have filed an appeal u/s 69 of the Tamil Nadu H.R. & C.E. Act, 1959 (Tamil Nadu Act 22 of 1959) (in short 'the Act') before the 1<sup>st</sup> respondent and the 1<sup>st</sup> respondent dismissed the appeal vide impugned order dated 27.01.2016. Challenging the same, the present writ petition is filed before this court.



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3. When the matter is taken up for hearing today, learned counsel appearing for the petitioners submitted that, during the pendency of this writ petition, petitioners 1 to 4 and respondents 6 and 7 passed away and the petitioners 5 and 6 along with the legal heirs of the deceased petitioners filed an application u/s 63(b) of the Act in O.A.No.2 of 2013 and applications u/s 63(e) of the Act in O.A.Nos.1 of 2017 and 8 of 2018 in I.A.No.3 of 2019 before the 2<sup>nd</sup> respondent and the same is pending.

4. In view of the above submissions made by the learned counsel appearing for the petitioners, this court is of the view that nothing survives for adjudication in this writ petition. Accordingly, this writ petition is closed. However, the 2<sup>nd</sup> respondent is directed to dispose of O.A.Nos.2 of 2013, 1 of 2017 and 8 of 2018, if not, already disposed, within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs.

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Index : Yes / No  
Speaking order / Non-speaking order  
Neutral Citation Case : Yes / No  
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To

- 1.The Commissioner,  
HR & CE Admn. Department,  
Chennai – 34.
- 2.The Joint Commissioner,  
HR & CE Admn. Department,  
Chennai – 34.

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This matter is listed today under the caption "for being mentioned".

2. The learned counsel appearing for the petitioners submits that in the order dated 27.08.2024, the address of the second respondent was wrongly mentioned as Chennai-34, instead of Salem District.

3. In view of the submission made by the learned counsel appearing for the petitioners, the Registry is directed to carry out necessary corrections in the cause title and issue fresh order copy.

**10.02.2025**

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