



W.P.(MD) No.15746 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.15746 of 2024

Munchira Madom,

Represented by its Madathipathy and Moopil Swamiyar.

... Petitioner

Vs.

1.The Secretary,
Government of Tamil Nadu,
Hindu Religious and Charitable Endowments Department,
Fort St. George, Chennai – 600 009.

2.The Commissioner,
Hindu Religious and Charitable Endowments (Admn.) Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 600 034.

3.The Additional Commissioner (General),
State Adoption Resource Agency,
Hindu Religious and Charitable Endowments (Admn.) Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 600 034.

4.The Deputy Chief Audit Officer,
Regional Audit Officer (Maths) (Addl. Charge),
Hindu Religious and Charitable Endowments (Admn.) Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 600 034.

... Respondents



W.P.(MD) No.15746 of 2024

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the first respondent to dispose of the Revision Petition in R.P.No.1 of 2023.

For petitioner : Mr.C.S.Lenin

For respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

Heard learned counsel for the petitioner and learned Special Government Pleader for the respondents.

2. This is the second round of litigation by the petitioner. Earlier, the petitioner had questioned the decision of the second respondent herein dated 20.03.2018 bearing reference in Na.Ka.No.064/2018/S2, in W.P.(MD)No.16274 of 2018 *vide* order dated 23.01.2023.

3. The above Writ Petition was disposed of with the following observations:

“4. Having due regard to the aforesaid submissions made, this Court without expressing any view on the merits merits of controversy involved, passes the following order:-

(i) it shall be incumbent upon the Secretary to Government of Tamil Nadu, Hindu Religious and Charitable Endowments Department to immediately examine the Revision Petition in R.P.



W.P.(MD) No.15746 of 2024

WEB COPY

No. 1 of 2023 filed by the Petitioner including ascertaining as to whether the Petitioners would be entitled for the relief claimed;

(ii) that for the purpose of reckoning limitation for availing the statutory remedy, the period from the date of filing of the Writ Petition, viz., 24.07.2018, till 06.01.2023 when the appeal was filed shall be excluded;

(iii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;

(iv) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard; (v) it shall be ensured that there is atleast one effective hearing every week showing progress of the case;

(vi) the First to Third Respondents shall await the orders to be passed in the stay application of the Revision by the State Government, and shall not take any coercive measures against the Petitioner for implementation of the impugned order, till the orders thereon are communicated to the parties and it is made clear that the State Government is not precluded from passing any order, interim or final, that it may deem fit and proper in the circumstances of the case; and

(vii) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment.”

4. The learned counsel for the petitioner submits that despite the above order, the first respondent has not disposed of the R.P.No.1 of 2023.



W.P.(MD) No.15746 of 2024

WEB COPY

5. The learned Special Government Pleader for the respondents submits that the first respondent will pass final orders in R.P.No.1 of 2023 within a period of three months from today.

6. Recording the above submissions, this Writ Petition is disposed of by directing the first respondent to dispose of the R.P.No.1 of 2023 within a period of three months from today. No costs.

Index : Yes / No

15.07.2024

Internet : Yes / No

apd

To

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W.P.(MD) No.15746 of 2024

WEB COPY

4.The Deputy Chief Audit Officer,
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W.P.(MD) No.15746 of 2024

C.SARAVANAN, J.

apd

W.P.(MD) No.15746 of 2024

15.07.2024