



C.R.P.(MD)No.2738 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 29.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2738 of 2024

D.Kalaiyaran

... Petitioner/Petitioner /6th Defendant

Vs.

Idol Arulmighu Balasubramaniasamy Thirukoil,
Pugazhimalai,
Velayuthampalayam, Karur,
Rep. by its Executive Officer.

... Respondent / Respondent / Plaintiff

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, as against the fair and decreetal order dated 06.09.2024 made in I.A.No.8 of 2024 in O.S.No.20 of 2018 on the file of the Principal District Judge, Karur.

For Petitioner : Mr.Raguvaran Gopalan

ORDER

Heard the learned counsel for the revision petitioner.



C.R.P.(MD)No.2738 of 2024

WEB COPY

2. The petitioner is figuring as 6th defendant in O.S.No.20 of 2018 on the file of the Principal District Judge, Karur. The suit has been filed by the temple for declaration of title and recovery of possession. According to the petitioner, the executive officer has not obtained proper authorisation from the commissioner of HR & CE in respect of the plaintiff temple for the suit property. The authorisation produced by the executive officer according to the petitioner pertains to some other temple. For this reason, the petitioner cannot be permitted to examine the commissioner of HR & CE without some basic foundation. The court below rightly dismissed IA.

3. However, to allay the petitioner's apprehension, I permit the petitioner to submit an application under RTI Act addressed to the office of the Commissioner of HR & CE Department, Nungambakkam, Chennai. Within 7 days from the receipt of the application, the office of the commissioner of HR & CE will categorically inform the petitioner as to whether they have given due authorisation in favour of the executive officer to institute such suit. It is open to the petitioner herein to even renew his application thereafter. The court below will take a fresh call in the light of the answer to be given by the office of the Commissioner of HR & CE in response to the RTI application to be filed



C.R.P.(MD)No.2738 of 2024

by the petitioner herein. The benefit of this order will not be available to the petitioner unless he submits an RTI application immediately after receipt of this order copy. The court below shall not pronounce Judgment in the suit without the revision petitioner receiving a response from the office of the Commissioner of HR & CE Department.

4. The Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

29.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
rmi

NOTE:Issue Order Copy on 29.10.2024

To:

The Principal District Judge, Karur.



WEB COPY



C.R.P.(MD)No.2738 of 2024

G.R.SWAMINATHAN, J.

rmi

C.R.P.(MD)No.2783 of 2024

29.10.2024