

Second Appeal No.76 of 2015

S.NAGAMUTHU,J

This second appeal has come up today for admission. I have heard the learned counsel for the appellant and I have also perused the records carefully.

2.This second appeal arises out of the decree and judgement in A.S.No.57 of 2006 on the file of the learned Principal District Judge, Coimbatore. The suit in this case was originally filed by the respondent namely Sri Karivaradaraja Perumal Temple, Represented by its Executive Officer. The suit for recovery of possession.

3.In this second appeal, the learned counsel for the appellant would submit that as per the judgement of the Hon'ble Supreme Court in **Dr.Subramanian Swamy and another v. State of Tamil Nadu and others** (2014 (1) CTC 763) and the judgement of this Court in **W.P.No.9594 of 2014 dated 11.04.2014** (Arulmigu Vaithianathaswamy represented by its Hereditary Trustee v. The Government of Tamil Nadu), the respondent in his representative capacity has got no authority to file the suit as his appointment itself is void in law.

S.NAGAMUTHU,J

jbm

4.Having regard to the said submission made, I am inclined to admit this second appeal on the following substantial question of law:-

"Whether, the respondent temple which is governed by the Tamil Nadu Hindu Religious & Charitable Endowment Act could be represented by its Executive Officer whose appointment itself is void in view of the judgement of the Hon'ble Supreme Court in **Dr.Subramanian Swamy and another v. State of Tamil Nadu and others** (2014 (1) CTC 763) ?

Notice.

Jbm

25.02.2015

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