

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 559-560 OF 2008

GOVERNMENT OF TAMIL NADU & ORS.

Appellant (s)

VERSUS

ARULMIGHU KALLALAGAR THIRUKOIL & ORS.

Respondent(s)

O R D E R

We are informed that one of the Appeals being

Appeal No. 560 of 2008 arises from a suit being O.S.

No. 178 of 1982 filed by the devotees of Swami Kallazhagar in the representative capacity after seeking permission of court under Order I Rule 8 of the Code of Civil Procedure.

2. In that suit, 6 persons, namely, H.H. Shri

Sundaramanuja Periya Jeer Samigal Mutt, H.H. Shri
Govindaramanuja Chinna Jeer Samigal, H.H. Eithiraja
Jeer Samigal, S. Krishnasami Iyyangar, P.L.
Ramanujadasar @ Thoppusamigal and Alagiya Manavala
Ramanujadassar @ Chellaperumal Konar were impleaded as
plaintiffs representing the devotees of Swami
Kallazhagar.

3. After the matter was decided by the High Court

and the matter reached this Court, only two of these
plaintiffs, namely, H.H. Eithiraja Jeeyar Swamikal and

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S. Krishnaswami Iyengar survived and they were
impleaded as respondent Nos. 1 and 2 in Appeal arising
out of O.S. No. 178 of 1982. Even these two plaintiffs
(respondent Nos. 1 and 2) had died during the pendency
of the Appeals. Since steps were not taken by the
advocate-on-record for the appellants for their
substitution, on November 7, 2012 this Court passed the
following order :

"Respondent No. 1 - H.H. Eithiraja Jeeyar

Swamikal and respondent No. 2 - S. Krishnaswami Iyengar are dead.

No steps have been taken by the advocate-on-record for the appellants for their substitution.

In the circumstances, we are constrained to dismiss the appeals qua Respondent No. 1 - H.H. Ethiraja Jeeyar Swamikal and respondent No. 2 - S. Krishnaswami Iyengar. We order accordingly."

4. The above order is recalled suo motu and substituted by the following order :

"Respondent No. 1 - H.H. Ethiraja Jeeyar Swamikal and respondent No. 2 - S. Krishnaswami Iyengar are dead.

No steps have been taken by the advocate-on-record for the appellants for their substitution.

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In the circumstances, we direct that respondent No. 1 - H.H. Ethiraja Jeeyar Swamikal and respondent No. 2 - S. Krishnaswami Iyengar are deleted from the array of parties having died and in their place the representatives of devotees of Swami Kallazhagar be impleaded. We, accordingly, direct the advocate-on-record for the appellants to place before us draft notice which may be published in the various newspapers in English as well as vernacular having wide circulation in entire Tamil Nadu and also in Mudurai district to enable the devotees of the above Sect to contest the Appeals."

5. In continuation of the above order, we direct advocate-of-record for the appellants to submit draft of the proposed notice as above within two weeks.

6. We also direct the Secretary, Forest Department, Government of Tamil Nadu to place on record the agreement, if any, between the Forest Department and Hindu Religious Charitable Endowment Department, Government of Tamil Nadu.

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7. List the matter on April 23, 2014.

.....J.
(R.M. LODHA)

NEW DELHI;J.
APRIL 3, 2014 (SHIVA KIRTI SINGH)

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ITEM NO.106 COURT NO.2 SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 559-560 OF 2008

GOVERNMENT OF TAMIL NADU & ORS. Appellant (s)

VERSUS

ARULMIGHU KALLALAGAR THIRUKOIL & ORS. Respondent(s)

(With appln(s) for exemption from filing O.T.)

[I.A. Nos. 7-8 of 2006 - appln. for permission to file Annexure-P-5]

Date: 03/04/2014 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Appellant(s) Mr. B. Balaji, Adv.
Mr. Rakesh R. Sharma, Adv.

For Respondent(s) Mr. K. Parasaran, Sr. Adv.
Mr. V. Balachandran, Adv.

Mr. V. Ramasubramanian, Adv.

Mr. B. Balaji, Adv.

Mr. M. Yogesh Kanna, Adv.

UPON hearing counsel the Court made the following
O R D E R

In terms of the signed order, the order dated
November 7, 2012 is recalled suo motu and substituted

by the following order :

"Respondent No. 1 - H.H. Ethiraja Jeeyar
Swamikal and respondent No. 2 - S.
Krishnaswami Iyengar are dead.

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No steps have been taken by the advocate-
on-record for the appellants for their
substitution.

In the circumstances, we direct that
respondent No. 1 - H.H. Ethiraja Jeeyar
Swamikal and respondent No. 2 - S.
Krishnasami Iyengar are deleted from the
array of parties having died and in their
place the representatives of devotees of
Swami Kallazhagar be impleaded. We,
accordingly, direct the advocate-on-record
for the appellants to place before us draft
notice which may be published in the various
newspapers in English as well as vernacular
having wide circulation in entire Tamil Nadu
and also in Mudurai district to enable the
devotees of the above Sect to contest the
Appeals."

With certain directions given in the signed
order, the matter is directed to be listed on April
23, 2014.

(Rajesh Dham) (Renu Diwan)
Court Master Court Master
(signed order is placed on the file)