

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).16086/2007

(From the judgement and order dated 17/07/2007 in CRP No.1527/2007
of The HIGH COURT OF MADRAS)

C.SENTHILVEL Petitioner(s)

VERSUS

E.S.NATARAJAN & ORS. Respondent(s)

(With appln(s) for vacating stay, prayer for interim relief and
office report)

Date: 14/07/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE MR. JUSTICE G.S. SINGHVIFor Petitioner(s) Mr. L. Nageswara Rao, Sr. Adv.
Mr. Dayan Krishnan, Adv.
Mr. Nikhil Nayyar, Adv.
Mr. Gautam Narayan, Adv.

For Respondent(s) Mr. S. Thananjayan, Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

Heard learned counsel for the parties.

The appeal is allowed.

[T.I. Rajput]
A.R.-cum-P.S.[Om Prakash]
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4373 OF 2008
(Arising out of S.L.P. (C) No.16086 of 2007)

C. Senthilvel

...Appellant(s)

Versus

E.S. Natarajan and Ors.

...Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

The Trial Court, by its order dated 16th April, 2007, directed appointment of the appellant as a Member of the Anbanathapuram Vahaira Charities Education Committee (for short, AVC Education Committee) for a period of six years from the date of the order in the vacancy caused due to the expiry of the term of a Member of the AVC Education Committee on 8th January, 2007. Against the said order, two writ applications were filed before the High Court, out of which one was dismissed whereas another was allowed and the impugned order passed by the Trial Court has been set aside. Against the impugned order, present appeal has been filed by special leave.

In the impugned order it has nowhere been stated that there was any error apparent on the face of the record. It appears that the High Court in exercise of writ jurisdiction

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has re-appreciated the entire matter and substituted its own findings which is ordinarily not permissible under law. Nowhere it has been recorded in the impugned order that the finding recorded by the Trial Court in its order is perverse. This being the position, in our view, the High Court was not justified in interfering with the impugned order passed by the Trial Court.

Accordingly, the appeal is allowed, impugned order passed by the High Court is set aside and the same passed by the Trial Court is restored.

.J.

[B.N. AGRAWAL]

.J.

[G.S. SINGHVI]

New Delhi,
July 14, 2008.