

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2015

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH

W.P.No.28479 of 2015  
and  
M.P.Nos.1 and 2 of 2015

Arulmighu Sri Kariya Manicka Perumal  
Devasthanam Trust rep. by its  
Member D.Elangovan

... Petitioner

vs.

1. The Assistant Commissioner,  
H.R. & C.E. Department,  
Kancheepuram,  
Kancheepuram District.

2. The Executive Officer,  
Thirukatchi Nambigal and  
Varadaraja Perumal  
Temple, Poonamallee,  
Kancheepuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the entire records pursuant to the proceedings issued by the first respondent vide Se.Mu.Na.Ka.No.4629/2010/A3 dated 16.05.2014 and quash the same with a direction to the respondents not to interfere with the petitioner's peaceful possession, enjoyment and administration of Karia Manicka Perumal Temple situated at Manapakkam, Kancheepuram District without following due process of law.

For Petitioner .. Mr.T.P.Prabakaran

For Respondents .. Mr.K.V.Dhanapalan,  
Addl. Govt. Pleader

ORDER

Claiming to be the person incharge of the temple, the petitioner has come forward to file this writ petition, challenging the order

appointing the Executive Officer as Thakar of the temple.

2.For two reasons, this Court is not inclined to entertain the writ petition. The question as to whether the petitioner is entitled to be issued a notice before passing the order impugned is the disputed one, which could be decided only by the appropriate authority in the appeal to be filed. Secondly, the order impugned has been passed on 16.05.2014 and it is submitted by the learned Additional Government Pleader that the second respondent has taken over the charge.

3.Thus the writ petition stands disposed of, giving liberty to the petitioner to file an appeal under Section 21 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, within a period of four weeks from the date of receipt of a copy of this order, if so advised. As and when such an appeal is filed, the appropriate authority shall decide the same without rejecting it on the ground of limitation. No costs. Consequently, connected miscellaneous petitions are closed.

-Sd/-

Assistant Registrar(cs-III)

//True copy//

Sub Assistant Registrar

mmi

To

1. The Assistant Commissioner,  
H.R. & C.E. Department,  
Kancheepuram,  
Kancheepuram District.

- 2.The Executive Officer,  
Thirukatchi Nambigal and  
Varadaraja Perumal  
Temple, Poonamallee,  
Kancheepuram District.

+1 cc to spl Government Pleader(hr&ce)ccsr No.49817)

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sai(co)  
cp 29/09/2015