

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.32498 of 2015

and

M.P.Nos.1 & 2 of 2015

A.Krishnan

... Petitioner

-Vs-

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments Board,
Salem, Salem District.
2. The Deputy Commissioner (Judicial),
Hindu Religious and Charitable Endowments Board,
Chennai.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Board,
Salem - 636 001.
4. P.Rajamanickam

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorari to call for the records relating to the order of the 3rd respondent dated 30.09.2015 in Na.Ka.No.4206/15/E2 and quash the same.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.P.Sanjay Gandhi,
Additional Government Pleader
(R1 to R3)

O R D E R

The Writ Petition has been filed by the petitioner, claiming to be Poojari of the temple, challenging the order dated 30.09.2015, in and by which a Special Officer has been

appointed for the purpose of conducting festival of Puratasi Saturdays for this year viz., 03.10.2015, 10.10.2015 and 17.10.2015 since there is an element of conflict between the hereditary trustees and the petitioner and other Poojaris.

2.The learned counsel for the petitioner submitted that in the year 2012 interim order was granted where similar proceedings were challenged. The Second Appeal is pending as against the judgment and decree rendered by the Courts below.

3.The learned Additional Government Pleader submitted that the order impugned has been given effect to by conducting the festival on 03.10.2015 and 10.10.2015 respectively. In the same manner, it would be conducted on 17.10.2015 also. Further, a submission has been made that the Special Officer has been appointed considering the prevailing situation. It is not as if the petitioner would be removed, but the impugned order has been passed for a specific purpose.

4.A perusal of the order impugned would make one thing clear that the Special Officer has been appointed for the purpose of conducting festival. Therefore, the rights of the petitioner are neither affected nor decided by the said order. It is also seen that the order passed in W.P.No.27170 of 2012 is pertaining to the year 2012. The present order impugned is pertaining to this year (i.e.) 2015 and it has been passed by taking into consideration the prevailing situation, which is a temporary measure. It is further to be seen that the festival has been conducted without any problem on 03.10.2015 and 10.10.2015.

5.In such view of the matter, this Court is not inclined to interfere with the order impugned by granting stay. The order is temporary and the petitioner's rights are not affected. In other words, the Special Officer will make sure that the festival is completed on 17.10.2015 as done on 03.10.2015 and 10.10.2015. If on the above said dates the festivals were conducted with the assistance of the petitioner and similarly placed Poojaris, the same procedure will have to be followed.

6.It is also made clear that this Court has not expressed any thing on the status of the hereditary trustees, since the Second Appeal is pending at the instances of the petitioner, though there is a decree in favour of the said person as on today.

7.The Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

va

To

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments Board,
Salem, Salem District.
2. The Deputy Commissioner (Judicial),
Hindu Religious and Charitable Endowments Board,
Chennai.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Board,
Salem - 636 001.

+1cc to Mr.K.Selvaraj, Advocate, S.R.No.57084

W.P.No.32498 of 2015
and
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LRS (CO)
CA(02/11/2015)

सत्यमेव जयते

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