

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2016

C O R A M :

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and

THE HON'BLE DR. JUSTICE P. DEVADASS

W.A. No.1650 of 2015

S. Chandrasekara Battar

... Appellant

Vs

1. The Commissioner,
H.R. & C.E. Department,
Nungambakkam High Road,
Chennai 600 034.

2. The Executive Officer/ Joint Commissioner,
Arulmigu Meenakshi Sundareswarar Temple,
Madurai.

3. Fit Person,
Arulmigu Meenakshi Sundareswarar Temple,
Madurai.

4. S. Shanmugasundara Battar

... Respondents

Prayer:-Appeal filed under Clause 15 of Letters Patent to set aside the order dated 07.10.2014 passed in W.P. No. 22632 of 2013.

W.P. No. 22632 of 2013 : Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari to call for the records relating to the impugned order of the Commissioner, HR & CE (Admn), Chennai passed in R.P.No.19/2013/D2 dated 6.8.2013 confirming the order of the Executive Officer / Joint Commissioner passed in Na.Ka.No. 1959/2010/E4 dated 15.2.2013 and quash the same.

For appellant : Mr. P.R. Raman
for
Mr. S.P. Arthi

For respondents : Mr.P.S.Sivashanmugasundaram
Special Government Pleader - R1

Mr. A.K. Sriram
for
M/s. A.S. Kailasam & Associates
- R2 & R3
Mr. V. Raghavachari - R4

J U D G M E N T
(Delivered by SATISH K. AGNIHOTRI, J.,)

With the consent of the learned counsel for the parties, this writ appeal is taken up for final disposal.

2. The dispute involved herein between the appellant/writ petitioner and the fourth respondent is qua the performance of religious rites in the Meenakshi Amman Temple, Madurai. The appellant/writ petitioner came up with the writ petition questioning the legality of the order dated 15 February, 2013 passed by the Executive Officer/Joint Commissioner confirmed by the Commissioner, Hindu Religious and Charitable Endowment (Admn.) Department vide order dated 06 August, 2013.

3. The learned single Judge, examining all the facts of the case, observed that if an application is moved by the appellant/ writ petitioner, the dispute may be resolved by the Joint Commissioner, without being influenced by the observations made by the Court and also other orders passed,

4. In such view of the matter, without adjudicating the dispute, we are also of the view that on an application to be made by the appellant, the Joint Commissioner (Administration), Hindu Religious and Charitable Endowment Department, Madurai, shall examine the dispute and take a decision in accordance with law and on its own merits, after affording opportunity of hearing to both parties viz., the appellant/ writ petitioner as well as the fourth respondent. If such an application is made by the appellant/writ petitioner within a period of one week, the Joint Commissioner shall consider the same expeditiously.

With the above observations and directions, this writ appeal stands disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
H.R.& C.E.Department,
Nungambakkam High Road,
Chennai 600 034.
2. The Executive Officer/ Joint Commissioner,
Arulmigu Meenakshi Sundareswarar Temple,
Madurai.
3. Fit Person,
Arulmigu Meenakshi Sundareswarar Temple,
Madurai.
4. The Joint Commissioner (Administration),
Hindu Religious and Charitable
Endowment Department, Madurai.

+1cc to Mr.S.P. Arthi, Advocate, S.R.No.1433

+1cc to M/s. A.S. Kailasam & Associates, Advocate, S.R.No.1343

+1cc to Mr.V. Raghavachari, Advocate, S.R.No.1220

W.A. No.1650 of 2015

KGK (CO)
CA(28/01/2016)

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