



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.21317 of 2016

and

W.M.P. (MD) .No.15249 of 2016

D.Radhakrishnan,
Managing Trustee,
Sri Selvavinayagar Solesswarar,
Manoor, Palani,
Dindigul District.

... Petitioner

Vs.

1.The Assistant Commissioner,
Hindu Religious & Charitable Endowments,
Dindigul District.

2.The Executive Officer,
Hindu Religious & Charitable Endowments,
Sivagiri Patti, Palani,
Dindigul District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for records pertaining to the 2nd respondent's impugned proceeding dated 28.10.2016 in Se.Mu.Na.Ka.No.5290/2006/A.4 dated 22.07.2016 and quash the same.

For Petitioner	: Mr.V.Vinayagamoorthy
For Respondents	: Mr.R.Anandharaj
	Government Advocate for R-1
	Mr.Muthu Geethaiyan for R-2

ORDER

Challenging the notice issued by the first respondent, asking him to hand over the properties of the temple such as bank accounts, bank balance, Offering Credits, possession of the property and other accounts to the second respondent, the petitioner has filed this writ petition.

2.According to the petitioner, he is the Managing Trustee of the Arulmighu Soleeswarar Temple at Manoor in Palani Taluk. Now, by the impugned order, he has been directed to hand over the properties of the temple to the second respondent, who has been appointed as the fit person to the above temple.



3.The learned counsel appearing for the second respondent submitted that the first respondent already appointed the second respondent as a Fit person and pursuant to the order of appointment, the second respondent has also taken over the charge from the petitioner and by the impugned order, the petitioner has only handed over the accounts. If at all the petitioner has any grievance, he has to challenge the order appointing the Fit person. Since the petitioner has not challenged the order appointing the fit person, he cannot challenge the consequential order.

4.The learned counsel for the petitioner, by way of reply, submitted that, the petitioner has not been served with any notice, before appointing the Fit person. Since the petitioner was not issued with any notice before appointing the Fit Person, he has every right to challenge the impugned order. Further, he submitted that a copy of the order appointing the Fit person also has not been served to him.

5.The learned Government Advocate appearing for the first respondent today handed over a copy of the order appointing the Fit person to the counsel for the petitioner.

6.In view of the above facts and circumstances of the case, without challenging the order appointing fit person, the petitioner cannot now challenge the consequential order and the prayer sought for by the petitioner cannot be granted. Hence, this writ petition is dismissed. However, the petitioner is given liberty to the challenge the order appointing the Fit person, if he is so advised. There shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To

1.The Assistant Commissioner,
Hindu Religious & Charitable Endowments, Dindigul District.

2.The Executive Officer,
Hindu Religious & Charitable Endowments,
Sivagiri Patti, Palani, Dindigul District.

+1 CC to Mr.MUTHU GEETHAIYAN, Advocate, SR No.66379

+1 CC to M.V.VINAYAGA MOORTHY, Advocate, SR No.66141