



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2016

CORAM :

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**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU**

W.P (MD) No.23679 of 2016

and

W.M.P (MD) Nos.17008 to 17009 of 2016

P.M.Matcharani

... Petitioner

Vs.

1.The Fit Person/Deputy Commissioner,  
Arulmigu Pandi Muneeswarar Temple,  
Melamadai, Madurai District.

2.The Executive Officer/Deputy Commissioner,  
Arulmighu Pandi Muneeswarar Temple,  
Melamadai, Madurai District and  
Hindu Religious and Charitable  
Endowment Department.

3.The Joint Commissioner,  
Hindu Religious and Charitable,  
Endowment Department,  
Madurai.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the entire records pertaining to the proceedings of the first respondent in Na.Ka.No.53/2016/E 1 dated 30.11.2016 and quash the same and consequently direct the respondents to allocate the pooja murai to the petitioner on the dates allocated as a share of the petitioner's mother Anandhavalli in her capacity as a hereditary Trustee of Arulmigu Pandi Muneeswarar Temple, Melamadai, Madurai i.e., from 02.12.2016 and on all such allocated days in the above said temple.

For Petitioner

: Mr.R.Anand

For Respondent

: Mr.V.R.Shanmuganathan

Spl. Govt. Pleader

### **ORDER**

This writ petition is filed challenging the order passed by the first respondent, dated 30.11.2016, rejecting the petitioner's request to conduct pooja as a matter of right in the place of his brother, namely, Chellapandi, who was suspended, pending enquiry.



2. It appears that the petitioner has also filed another writ petition before this Court in W.P(MD)No.21752 of 2016, challenging the order cancelling the conferment of status as Poojari on the petitioner for the reasons stated therein.

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3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials placed before this Court.

4. I am not inclined to entertain this writ petition for two reasons. Firstly, it is seen that as against the order passed by the first respondent an appeal lies to the Joint Commissioner, H.R and C.E., Department, Madurai, which, the petitioner has not chosen to avail. Even otherwise, perusal of the impugned order would show that the right claimed by the petitioner is statutorily barred, more particularly, under Section 55(2) of the Tamil Nadu H.R and C.E. Act, 1959. Therefore, when there is a statutory bar against the claim made by the petitioner, as a matter of right, the petitioner cannot seek for such right to conduct pooja, more particularly, when it is seen that there is also a rival claimant seeking such right. Therefore, I find that the claim of the petitioner is barred under statute and therefore, the impugned order rejecting such claim need not be interfered with.

5. Accordingly, the writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

1.The Fit Person/Deputy Commissioner,  
Arulmigu Pandi Muneeswarar Temple,Melamadai, Madurai District.

2.The Executive Officer/Deputy Commissioner,  
Arulmighu Pandi Muneeswarar Temple,  
Melamadai, Madurai District and Hindu Religious and Charitable  
Endowment Department.

3.The Joint Commissioner,  
Hindu Religious and Charitable, Endowment Department, Madurai.  
+1 cc to M/s.R.Anand, Advocate in SR.No. 79697

skn

CSL/PV/23.12.2016: 2P/5C

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and W.M.P(MD)Nos.17008 to 17009 of 2016  
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