



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.05.2016

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WEB COPY

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. (MD) No.9062 of 2016

K.Vellaisamy

... Petitioner

vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam,
Chennai - 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Manachanallur Salai,
Uthamarkovil,
Trichy - 18.

3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Rock Fort,
Trichy - 2.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents herein to consider and grant due permission for the temple festival namely Arulmigu Sri Kalliamman, Sri Mariamman and Sri Pambalamman Temple situated at Thulukampatti village, Ponnambalampatti Post, Vaiyampatti Via, Manapparai Taluk, Trichy District - 621 315, which is scheduled to be held on 10.05.2016 to 24.05.2016, by considering the representation sent by the petitioner as Thiruvizha Committee Member dated 21.03.2016.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.Aairam K.Selvakumar,
Government Advocate

For Intervenor : Mr.M.Saravanan

ORDER

Heard Mr.A.Saravanan, learned counsel for the petitioner, Mr.Aairam K. Selvakumar, learned Government Advocate appearing for the respondents and Mr.M.Saravanan, learned counsel for the intervenor.



2. The petitioner has filed this writ petition praying for a direction to the respondents to consider and grant permission for a temple festival, claiming that the temple festival is scheduled to be conducted between 10.05.2016 and 24.05.2016. However, there is nothing on record to show that the petitioner is a person, who has been authorised to conduct the festival.

3. Mr.M.Saravanan, learned counsel for the intervenor, submits that his client R.Govindarajan was the appellant before this Court in A.S. (MD) No.32 of 2012, filed against the judgment and decree in O.S.No.665 of 2003, on the file of the learned I Additional Subordinate Judge, Trichirappalli, dated 27.06.2011. In the said appeal suit, the writ petitioner herein was not impleaded as respondent, but, it is stated that he has filed an application for impleadment. However, this Court felt that the entire matter should be dealt with by the authority in accordance with the provisions of the Hindu Religious and Charitable Endowments Act and therefore, the appeal suit came to be disposed of by judgment dated 27.04.2016 and for better appreciation, the same is quoted hereunder:

"When this matter was taken up for final hearing, the learned counsel appearing on both sides agreed that status quo as on today shall be maintained and that the matter be permitted to be agitated before the competent authority concerned. The said submission made by the learned counsel appearing on both sides is placed on record.

2. In view of the above submission made by the learned counsel on either side and also the facts and circumstances of the case, both the parties are directed to maintain the status quo that is existing as on today and they are directed to approach the competent authority concerned. The entire matter is left open to the decision of the competent authority, who shall decide the same only on merits. The parties shall place all the records relating to Survey Numbers and the issues concerned, before the competent authority. In view of passing this order, the connected miscellaneous petitions in this Appeal Suit, are closed.

3. The Appeal Suit is disposed of accordingly. No costs.

4. However, in the light of the fact that this Court in the above referred Appeal Suit in A.S.(MD) No.32 of 2012 has already directed the parties to approach the competent authority, the competent authority viz., the second respondent will consider all issues and the relief sought for in this writ petition cannot be granted. It is stated by the learned counsel appearing for the intervenor that the application filed under Section 63 (b) of the Act is to be dealt with by the second respondent, since this Court in the above Appeal Suit has permitted the parties to approach the competent authority. Therefore, all issues should be considered by the second respondent and it is open to the parties to move the second respondent for appropriate relief, which shall be considered in accordance with law.



5. This writ petition is disposed of with the above directions. No costs.

Sd/
Assistant Registrar(T&P)

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Sub Assistant Registrar(C.S)
Madurai Bench of Madras High Court,
Madurai.

To:

- 1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam,
Chennai - 600 034.
- 2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
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Uthamarkovil,
Trichy - 18.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Rock Fort,
Trichy - 2.

+1cc to M/S.R.Subramanian, Advocate in SR.No.25944
+1cc to M/S.A.Saravanan, Advocate in SR.No.25876
+1cc to Special Government Pleader in SR.No.26027

W.P. (MD) No.9062 of 2016
04.05.2016

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