

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2017

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P. No.26285 of 2017 and
WMP No.27945 of 2017

K.Manikandan

Petitioner

Vs.

1. The Joint Commissioner,
HR & CE Department,
Nungambakkam,
Chennai – 34

2. The Fit Person
A/m., Sridevi Mangali Amman Temple,
Esa Pallavaram,
Chennai – 600 043 office at
A/m. Ranganathar Perumal Temple,
Thiruneermalai, Chennai – 600 43

3. T.Jagannathan

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus to call for the records of the 1st respondent dated 12.05.2017 made in Appeal No.1 of 2013 and the resolution of the trust dated 15.04.2012 passed by the 3rd respondent and quash the same and forbearing the respondents from interfering or disturbing from doing pooja service of the Arulmigu Sridevi Mangali Amman Temple by the petitioner.

For Petitioner : Mr. P.Gunaraj
For Respondents: Mr. R.P.Prathap Singh for R1 and R2
Government Advocate (HR and CE)

ORDER

This writ petition is preferred to call for the records of the 1st respondent dated 12.05.2017 made in Appeal No.1 of 2013 and the resolution of the trust dated 15.04.2012 passed by the 3rd respondent and quash the same and forbearing the respondents from interfering or disturbing from doing pooja service of the Arulmigu Sridevi Mangali Amman Temple by the petitioner.

2. The petitioner joined duty as Archagar on 12.09.1998 and that the petitioner's family was doing archaga services for more than three generations. Due to the sudden demise of petitioner's father, the administration of the temple is vested with the family of one Renganathan Mudaliar for more than 300 years. As there was conspiracy between the petitioner and the administration of temple, the trust board has passed a resolution dated 15.04.2012, wherein the petitioner was dismissed from the services of archagar. Thereafter, the petitioner has preferred an Appeal before the Joint Commissioner HR & CE against the resolution dated 15.04.2012. Subsequently, the appeal filed by the petitioner was also dismissed on 12.05.2017. Aggrieved against the said orders, the petitioner has come up with this writ petition.

3. Today, when the matter is taken up for hearing, the learned Government Advocate (HR & CE) appearing for the respondents 1 and 2 by raising objection on the maintainability submitted that since the impugned order dated 12.05.2017 has been passed by the Joint Commissioner, Hindu Religious & Charitable Endowments, Chennai under Section 56(2) of Tamilnadu Hindu Religious and Charitable Endowments Act, 1959, there is a provision of filing a 'Revision' under Section 21 of the said Act before the Commissioner.

4. In reply, the learned counsel appearing for the petitioner submitted that as the period of limitation is over, a direction may be given to the revisional authority, namely, the Commissioner, to consider the petition to be filed by the petitioner without rejecting the same on the ground of limitation.

5. Recording the submission of the learned Government Advocate (HR and CE) that the petitioner is having an effective and alternative remedy before the revisional authority/Commissioner, this Writ Petition is dismissed. However, the petitioner is directed to file a review petition along with condone delay petition before the revisional authority/Commissioner, within a period of two weeks from the date of

receipt of copy of this Order. On such filing of the petition within the said period, the same shall be considered by the revisional authority/Commissioner, Chennai in accordance with law without rejecting on the ground of limitation. Consequently, connected miscellaneous petition is closed. No costs.

09.10.2017

Note:

Registry is directed to issue order copy on 12.10.2017

Registry is also directed to return the original impugned order to the petitioner.

Index: Yes/No

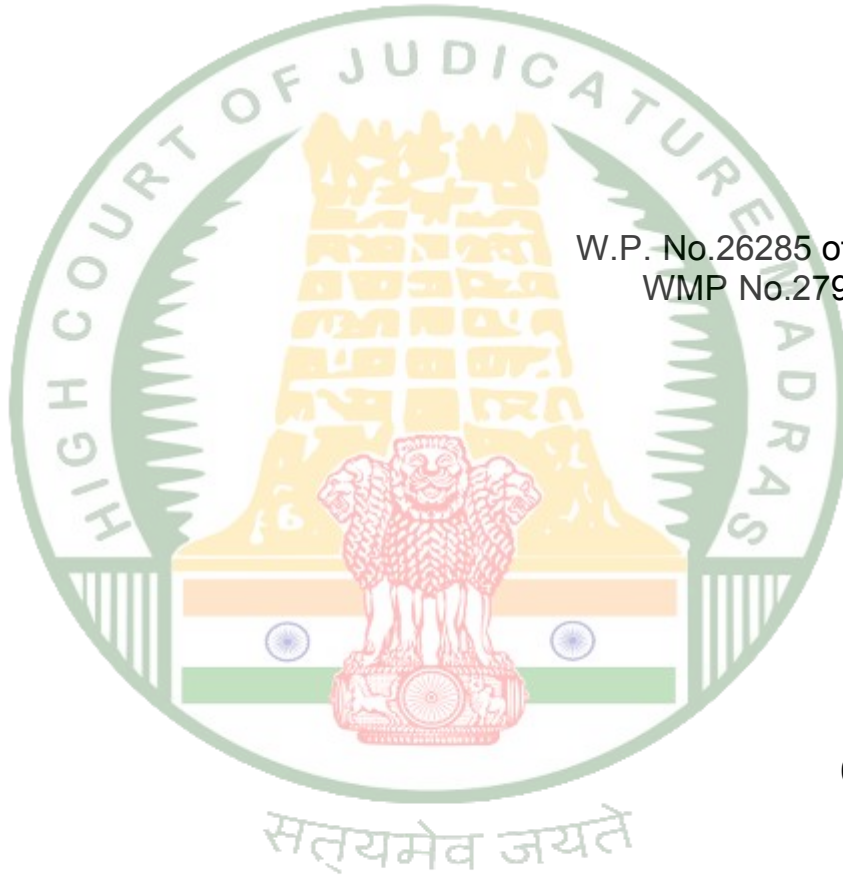
Internet : Yes / No
ssd

To

1. The commissioner,
HR & CE Department,
Chennai.
2. The Joint Commissioner,
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Nungambakkam,
Chennai – 34
3. The Fit Person
A/m., Sridevi mangali Amman Temple,
Esa Pallavaram,
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T. RAJA, J.

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