

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 06.10.2017

CORAM:
THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A No.2596 of 2010 and
M.P.No.1 of 2010

Coimbatore Mahalakshmi Mandir Trust
Rep. by its Managing Trustee
Sri Ramanlal Poojaram Dave
Pollachi Road, Eachanari
Coimbatore South, Coimbatore District.

...Appellant

Vs

1.The Government of Tamilnadu
Hindu Religious & Charitable Endowment Board,
Uthamar Gandhi Salai, Chennai.

2.The Commissioner,
Hindu Religious and Charitable Endowment
Administration Department,
Chennai - 600 034.

3.The Assistant Commissioner,
Hindu Religious & Charitable Endowment,
Coimbatore - 641 018.

4.The Executive Officer,
Arulmighu Vinayagar Temple,
Eachanari, Coimbatore - 641 021.

...Respondents

Prayer:- Writ Appeal filed under clause 15 of Letters Patent,
against the order made in W.P.No.27110 of 2010 dated 30.11.2010.

WP.No.27110 of 2010:Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus
forbearing the 4th respondent from taking over charge as the
Executive Officer of the Mahalakshmi Temple and the Lord
Vinayaka Temple at Echanari belonging to the Petitioner trust
till the revision filed by the Petitioner trust before the 1st
respondetn is taken up for hearing.

For Appellant : Ms.P.T.Asha
for M/s.Sarvabhauman Associates

For R1 to R3 : Mr.M.Maharaja
Spl.Govt.Pleader (HR & CE)

For R4 : No appearance

J U D G M E N T

K.K. SASIDHARAN, J.

This intra court appeal is directed against the order dated 30 November, 2010 in W.P.No.27110 of 2010, dismissing the writ petition filed by the appellant to restrain the Executive Officer of Arulmighu Vinayagar Temple, Eachanari, Coimbatore from taking over charge as the Executive Officer of the Mahalakshmi Temple and the Lord Vinayaka Temple at Eachanari, owned by the Trust, till the disposal of the revision petition pending before the Government under Section 114 of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 (for short "HR & CE" Act).

2. The appellant challenged the order appointing Executive Officer to the temple before the second respondent. The second respondent, by order dated 23 March, 2010, dismissed the original proceedings. The appellant thereafter filed a statutory appeal under Section 114 of HR & CE Act before the first respondent. During the currency of the said appeal, the Executive Officer made an attempt to take charge of the affairs of the temple. The notice issued by the Executive Officer proposing to take charge was challenged before the writ court in W.P.No.23110 of 2010. The learned single Judge dismissed the said writ petition. Feeling aggrieved by the said order, the appellant has come up with this intra court appeal.

3. We have heard the learned counsel for the appellant. We have also heard the learned Special Government Pleader appearing on behalf of the HR & CE Department.

4. There is no dispute that the statutory appeal filed by the appellant invoking Section 114 of the HR & CE Act is now pending before the first respondent. It was only during the currency of the statutory appeal, the Executive Officer made an attempt to take charge of the affairs of the temple. The proposal to assume office by the Executive Officer made the appellant to file the writ petition in W.P.No.27110 of 2010. We are informed that the statutory appeal is still pending before the first respondent.

5. The appellant was having the benefit of interim order during the currency of the writ petition. Even in the subject appeal, this Court granted interim protection to the appellant. The said interim order is prevailing as on today.

6. The learned Special Government Pleader on instructions submitted that the appeal is pending before the first respondent and every effort would be taken to dispose of the same as expeditiously as possible.

7. We direct the first respondent to consider and dispose of the statutory appeal filed by the appellant challenging the order dated 23 March, 2010 on the file of the Commissioner, HR & CE Department, as expeditiously as possible and in any case, within a period of six months from the date of receipt of a copy of this order, after giving opportunity of hearing to the appellant. The status quo as on today shall be maintained till the disposal of the appeal by the first respondent.

8. The intra court appeal is allowed to the extent indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Government of Tamilnadu
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Arulmighu Vinayagar Temple,
Eachanari, Coimbatore - 641 021.

+1 cc to M/s.Sarvabhauman Associates advocate sr 71860

W.A No.2596 of 2010

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