



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2017

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THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.A.(MD)Nos.346 and 347 of 2014
and M.P.(MD) Nos.1, 1 and 2, 2 of 2014

W.A.(MD) No.346 of 2014:

The Fit Person,
A/m. Malaiyandi Karuppasamy,
Thirukovil, Valayankulam,
O/o. A/m.Dhandayuthapani Thirukovil,
Nethaji Road,
Madurai - 1.

... Appellant/3rd Respondent

Vs.

1.M.Raman
2.I.Kadan
3.V.Maharajan
4.V.Chinnaraja
5.S.Bose

... Respondents 1 to 5/Petitioners

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

7.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai.

... Respondents 6 & 7/

Respondents 1 & 2

W.A.(MD) No.347 of 2014:

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
West Chithirai Street,
Madurai - 625 001.

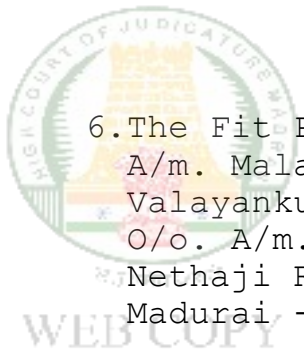
2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai.

... Appellants/Respondents 1 & 2

Vs.

1.M.Raman
2.I.Kadan
3.V.Maharajan
4.V.Chinnaraja
5.S.Bose

... Respondents 1 to 5/Petitioners



6.The Fit Person,
A/m. Malaiyandi Karuppasamy Thirukovil,
Valayankulam,
O/o. A/m.Dhandayuthapani Thirukovil,
Nethaji Road,
Madurai - 1.

... 6th Respondent/3rd Respondent

Writ Appeals filed under Clause 15 of Letter Patent against the order passed by this Court in W.P.(MD)No.10474 of 2013 dated 27.11.2013.

Prayer in WP(MD) . 10474/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order of the 1st respondent dated 19.06.2013 made in his proceedings in R.P. No. 3/2012 which was delivered to the petitioner s counsel on 26.06.2013 confirming the order of the 2nd respondent dated 10.07.2012 made in his proceedings Se.Mu.Na.Ka.No. 2580/2012/A3 and quash the same and pass suitable direction, directing the Respondents to restore the alterations effected by them in the temple Arulmighu Malayandi Karuppasamy Thirukoil, Valayankulam, Madurai South and thus render justice.

For Appellant in W.A.(MD)
No.346 of 2014 and 6th
Respondent in W.A.(MD) No.
347 of 2014 : Mrs.J.Anandhavalli

For Appellants in W.A.(MD)
No.347 of 2014 and 6th & 7th
Respondents in W.A.(MD) No. : Mr.VR.Shanmuganathan
346 of 2014 Special Government Pleader

For Respondents 1 to 5 in : Mr.A.Sirajudeen
both appeals Senior Counsel for
Mr.R.Ravindra Ram

COMMON JUDGMENT

(Judgment of the Court was delivered by **M.M.SUNDRESH, J**)

These two writ appeals have been preferred by the Fit Person and the Joint Commissioner and the Assistant Commissioner of HR & CE Department, who had been arrayed as respondents in the Writ Petition.

2.The respondents 1 to 5 herein being the writ petitioners filed the Writ Petition, seeking to assail the order appointing a Fit Person in public interest and in view of the prevailing situation. The revision filed by the respondents 1 to 5 was also dismissed and thereafter the writ petition was filed. The learned



Single Judge allowed the writ petition on the sole ground that the respondents 1 to 5/writ petitioners were not heard. Challenging the same, the present Writ Appeals have been filed.

3. The learned counsels appearing for the appellants state that admittedly one Malayan was in management and administration of the temple and he had no objection for appointment of the Fit Person. The Fit person has taken charge. There is alternative remedy under Section 114 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. There is a decree obtained against two of the respondents treating them as tenants.

4. The learned Senior Counsel appearing for the respondents 1 to 5/writ petitioners would submit that what the learned Single Judge did was remanded the matter for fresh consideration. Therefore, no interference is required.

5. By way of reply, the learned counsels appearing for the appellants would submit that even the appointment of the administrator was made known to the respondents 1 to 5/writ petitioners as seen from the documents in which they have affixed their signatures.

6. After hearing the arguments, the learned Senior Counsel appearing for the respondents 1 to 5/writ petitioners would submit that the respondents 1 to 5 may be permitted to workout their remedy under Section 114 of the Act, leaving all issues open.

7. Considering the above said submission, we set aside the impugned order passed by the learned Single Judge with liberty to the respondents 1 to 5/writ petitioners to file revision under Section 114 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. Taking into consideration the length of time spent in the Writ Petition and Writ Appeals, the respondents 1 to 5/writ petitioners are given 6 weeks time from the date of receipt of a copy of this order to file such a revision. As and when the same is filed, the concerned Authority shall consider it and pass orders on merits without rejecting it on the ground of limitation or delay. It is open to the respondents 1 to 5/writ petitioners to produce all the relevant documents available with them before the said authority, if so, advised.

8. These Writ Appeals are disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar



To

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

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai.

+2cc to M/s. J.ANANDHAVALLI Advocate in SR. No.72739,72740
+1cc to M/s. P.GANAPATHI SUBRAMANIAN Advocate in SR. No.72748
+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.72933

SJ

JS/SKN.RSK/SAR.1/24.08.2017/ 4P-7C

W.A. (MD) Nos.346 and 347 of 2014
and M.P. (MD) Nos.1, 1 and 2, 2 of 2014
16.08.2017