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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.07.2017

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

AND

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.A. (MD) Nos.1136 and 1140 of 2015

and

M.P. (MD) Nos.1 and 1 of 2015

and

C.M.P. (MD) Nos.40 and 41 of 2016

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai.
- 2.The Assistant Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Virudhunagar. ... Appellants in W.A. (MD) No.1136 of 2015

1.D.Prabhakaran

2.Murugan ... Appellants in W.A. (MD) Nos.1140 of 2015

Vs.

- 1.Arulmigu Angala Eswari Amman Temple,
Anaikulam Village,
Thiruchuzhi Taluk, Virudhunagar District,
Rep. by the President of
Temple Administrative Committee ... 1st respondent in both W.As.
- 2.The Executive Officer,
Arulmighu Chockanatha Swamy Temple,
Aruppukottai,
Virudhunagar District ... 2nd respondent in W.A. (MD) No.
1136 of 2015 and 4th
respondent in W.A. (MD) No.
1140 of 2015
- 3.The Commissioner,
Hindu Religious and Charitable Endowment
Department, Chennai..... 2nd respondent in W.A. (MD) No.1140 of 2015
- 4.The Assistant Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowments Department,
Virudhunagar. ... 3rd respondent in W.A. (MD) No.1140 of 2015

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5.D.Prabhakaran

6.Murugan ... 3rd and 4th respondents in W.A (MD) No.1136 of 2015



Writ Appeals filed under Clause 15 of Letter Patent, against the order passed by this Court made in W.P.(MD)No.20915 of 2013 dated 30.09.2015.

Prayer in WP(MD) . 20915/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the impugned order dated 26.11.2013 in reference number in Che. Mu.Na.Ka.No.2061/2006/A3 passed by the 2nd respondent and to quash the same.

For Appellants in : Mr.V.R.Shanmuganathan,
W.A(MD)No.1136 of 2015 Special Government Pleader.
and Respondents 2 and 3 in
W.A. (MD) No.1140 of 2015

For Appellants : Mr.S.Anwar Sameem
(In W.A. (MD)No.1140 of 2015)

For 1st Respondent : Mr.T.R.Jeyapalam
(in both W.As)
For 2nd Respondents in W.P.
(MD) No.1136 of 2015 and
4th Respondent in W.P.(MD)
1140 of 2015 : Mr.P.Mahendran

For Respondents 3 & 4 : Mr.S.Anwar Sameem
(In W.A. (MD)No.1136 of 2015)

COMMON JUDGMENT

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

The impugned order is one by which a fit person has been appointed under 49(1) of the Hindu Religious and Charitable Endowments Act. The learned Single Judge was pleased to set aside the impugned order on the ground that the writ petitioner has not been heard. Now it appears the rival claimant is in administration. All the three parties claimed that they are doing the administration.

2.At the time of entertaining the writ appeal, this Court was pleased to pass an interim order. Even in the counter affidavit filed by the appellants in W.A.(MD) No.1136 of 2015 they have clearly stated that the fit person has taken charge.

3. While confirming the order of the learned Single Judge, we direct the status quo as on today (10.07.2017) shall be maintained. In the meantime, the person who is in charge of administration shall continue to do so. In as much as the order



has been set aside only on the ground of principles of natural justice, we direct the Assistant Commissioner, H.R. & C.E., Virudhunagar to issue notice to the parties concerned, including the writ petitioner as well as the rival claimants and pass appropriate order within a period of 8 weeks from the date of receipt of a copy of this order.

4. We make it clear that all the issues are left upon and the finding rendered by the learned Single Judge has to be considered only for the purpose of disposing the writ petition, since we are remanding the matter to the Assistant Commissioner, Virudhunagar for a fresh consideration.

5. The law is also quite settled, when an order is set aside for want of notice, the same will not prevent the authority to proceed afresh, who otherwise has jurisdiction to do so.

6. Accordingly, these Writ Appeals are disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd /-
ASSISTANT REGISTRAR

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To:

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai.

2. The Assistant Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Virudhunagar.

+1 CC TO MR.T.R.JEYA PALAM, ADVOCATE, SR NO.64336

+1 CC TO MR.P.MAHENDRAN, ADVOCATE, SR NO.64328

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.64583

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MAS/MR-KKR/SAR1:17.07.2017:3P-6C

W.A. (MD) Nos.1136 and 1140 of 2015
and

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04.07.2017