



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.04.2017

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P(MD)No.13903 of 2015
M.P.(MD) Nos.2 and 3 of 2015 and W.M.P.(MD) No.4331 of 2016

T.Chidambaram Poojari ..Petitioner
Vs

1.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

2.The Tahsildar,
Usilampatti,
Madurai District.

3.T.Santhanam ..Respondents

Prayer: Writ Petition 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 order passed by the 1st respondent in his proceedings of reference in NA.KA.No.1730/2015/AA2, dated 19.06.2015 and to quash the same.

For Petitioner :Mr.N.Ananthapadmanabhan

For Respondents 1 & 2 :Mr.M.Alaga thevan
Special Government Pleader

ORDER

The petitioner has approached this Court seeking quashment of the proceedings of the 1st respondent in NA.KA.No.1730/2015/AA2, dated 19.06.2015.

2.What is challenged in the writ petition is the order passed by the 1st respondent Revenue Divisional Officer, granting permission to the third respondent to act as Poojari in a shrine that is housed within the Kasi Viswanatha Temple, which is also known as Kaliyuga Chidambaraeswarar Temple as well as Moonusamy Temple, Karumatur.

3.The main ground of attack by the petitioner is that the Revenue Divisional Officer has no power to order the third respondent to act as Poojari as such the powers are exercised by the authorities, who are functioning under the HR & CE Act. In such circumstances, the order assailed in the Writ Petition suffers from jurisdictional error.



4. Moreover, the learned counsel appearing for the petitioner would submit that the impugned order passed by the first respondent is clearly amounts to exercise of wrong powers, which has to be exercised only by the authority constituted by the HR & CE Act. Therefore, the order is non-est in the eye of law.

5. On notice, Mr. M. Alagathevan, the learned Special Government Pleader has entered appearance and he was also in agreement that the first respondent Revenue Divisional Officer has no authority to pass the impugned order.

6. Agreeing with the arguments of the learned counsel appearing for the petitioner, without going into merits of the case of the petitioner and third respondent, the impugned order in NA.KA.No.1730/2015/AA2, dated 19.06.2015 is set aside. It is open to the parties to approach appropriate authorities under H.R. & C.E. Act to workout their remedy in the manner known to law. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS I)

/True Copy/

Sub Assistant Registrar

sj

To

1. The Revenue Divisional Officer,
Usilampatti, Madurai District.

2. The Tahsildar, Usilampatti, Madurai District.

1CC TO MR. N. ANANTHA PADMANABHAN, ADVOCATE SR: 53501

1CC TO M/S. R. MEENAKSHI SUNDARAM, ADVOCATE SR: 53277

1CC TO THE SPL GOVT PLEADER SR: 53595

JM SV MMS SAR 4

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