



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2017

CORAM:

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.8624 of 2014

and

W.P. (MD) Nos. 15194 and 15195 of 2013

and

M.P. (MD) No.2 of 2014

and

M.P. (MD) Nos.2 and 2 of 2013

W.P (MD) No.8624 of 2014:-

1.N.A.Chandran

2.N.Dhanabalan

.. Petitioners

Vs.

1.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai-20.

2.The Thakkar,
Arulmigu Sri Nevillinatha Ayyanar Temple,
E.Malampatty,
Melur Taluk,
Madurai District.

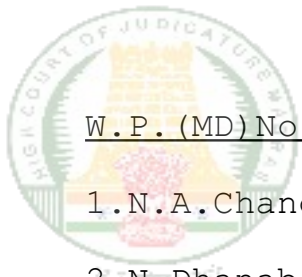
.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents from doing any renovation work and alterations in the Arulmigu Neivelinathar Ayyanar Temple E.Malampatty, Madurai District pending WP(MD)No.15194 and 15195 of 2013 on the file of this Court.

For Petitioners : Mr.S.Manohar

For R1 : Mr.J.Gunaseelan Muthiah
Government Advocate.

: Mr.G.Mathavan



W.P. (MD) No. 15194 of 2013:-

1.N.A.Chandran

2.N.Dhanabalan

.. Petitioners

WEB COPY

Vs.

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

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
West Chitrai Street,
Madurai.

3.N.Vijayaragavan

4.S.V.Saminathan

5.N.Mahalingam

6.S.P.Balasubramanian

7.S.Alagu

8.S.Thirumaran

9.M.Sundaram

10.K.R.Ganesan

.. Respondents

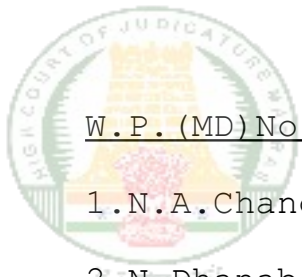
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records AP 45 of 2012 D2 dated 07.05.2013 on the file of the 1st respondent and quash the same as illegal, ultravires and against the principles of natural justice.

For Petitioners : Mr.S.Manohar

For R1 & R2 : Mr.J.Gunaseelan Muthiah
Government Advocate.

For RR.3,5,7 to 10 : Mr.S.Jeevanandam

For R4 & R6 : No Appearance



W.P. (MD) No. 15195 of 2013:-

1.N.A.Chandran

2.N.Dhanabalan

.. Petitioners

WEB COPY

Vs.

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

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
West Chitrai Street,
Madurai.

3.R.Elanchezhian

4.A.Chinnaya

5.R.Muthiah Pillai

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records AP 44 of 2012 D2 dated 07.05.2013 on the file of the 1st respondent and quash the same as illegal, ultravires and against the principles of natural justice.

For Petitioners : Mr.S.Manohar
For R1 & R2 : Mr.J.Gunaseelan Muthiah
Government Advocate.

For R-3 & R-4 : Mr.S.Vellaichamy
R-5 : Died

COMMON ORDER

As all the three writ petitions revolve around a common issue, they are disposed of by this common order.

2.Writ Petition in W.P(MD)No.8624 of 2014 has been filed to issue a Writ of Mandamus, forbearing the respondents from doing any renovation work or alterations in the Arulmigu Neivelinathar Ayyanar Temple E.Malampatty, Madurai District, pending W.P(MD) Nos.15194 & 15195 of 2013.

3.Writ Petitions in W.P(MD)No.15194 & 15195 of 2013 have been filed seeking a Writ Certiorari, to quash the A.P.Nos.45 & 44 of 2012 D2 dated 07.05.2013, respectively, on the file of the Commissioner, HR&CE Department, Chennai.



4. Heard the learned Counsel appearing on either side.

5. For the sake of convenience, the facts involved in W.P (MD) No. 8624 of 2014 is discussed hereunder.

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6. It is submitted by the learned counsel for the petitioners that the petitioners have been managing and administering the Arulmigu Neivelinathar Ayyanar Temple, E. Malalmpatty, Madurai District, hereditarily and they had also filed O.A. No. 17 of 2002 to appoint them as hereditary trustees, wherein, the Joint Commissioner, HR & CE Department, Madurai / second respondent in other two writ petitions, had passed an order in their favour. Aggrieved by the same, some third parties, viz., the private respondents in other two writ petitions, have filed appeals in A.P. Nos. 44 and 45 of 2012, wherein, the first respondent / Commissioner, HR & CE Department, Chennai, after some rounds of litigation, had set aside and remitted back the matter for de-novo enquiry. Being dissatisfied with this order, the petitioners have filed W.P. (MD) Nos. 15194 and 15195 of 2013 before this Court and this Court had also granted an order of interim stay. Despite an order of interim stay, the second respondent herein has started renovation works and also installed a Hundial and aggrieved by the same, the petitioners are before this Court.

7. After a detailed and elaborate argument, it is agreed by all the parties that it will serve the purpose, if a direction is issued to the authorities to dispose of the remanded Original Application in O.A. No. 17 of 2002, within a stipulated time period, in the manner known to law.

8. Under such circumstances, this writ petition is disposed of directing the Joint Commissioner, HR & CE Department, Madurai / second respondent in W.P. (MD) Nos. 15194 & 15195 of 2013, to pass appropriate order on O.A. No. 17 of 2002, on merits and in accordance with law, after affording due opportunity of hearing to the petitioners and all interested parties, if any, within a period of six weeks from the date of receipt of a copy of this order.

9. In view of the order passed in W.P. (MD) No. 8624 of 2014, W.P. (MD) Nos. 15194 & 15195 of 2013 are also disposed of. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar (Crl. Side)

/True Copy/



To

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

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
West Chitrai Street,
Madurai.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai-20.

+3cs to Mr.M.V.Venkateseshan, Advocate, SR.Nos.80136, 80137

+One cc to Mr.S.Manohar, Advocate, SR.No.80300

+2ccs to The Special Government Pleader, SR.Nos.80848, 80849

ta

RL/10C/5P/SKN/RSK/SAR2/30/10/2017

ORDER MADE IN

W.P (MD) No.8624 of 2014
and

W.P. (MD) No.15194 and 15195 of 2013

20.09.2017