



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
W.P(MD) No.11392 of 2017 and
W.M.P.(MD) Nos.8774 & 10045 of 2017

Arumai Thangam

... Petitioner

-vs-

1. The Commissioner,
HR & CE, Nungambakkam,
Chennai.

2. The Executive Officer,
Arulmigu Muppanthal Esakkiamman Kovil,
Thakkar, Rep. by Arulmigu Eswari
Bhadrakali Amman Temple,
Easanthangu.

3. The Joint Commissioner,
HR & CE, Tirunelveli.

4. H.Elango

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 3rd respondent in I.A.No.1/2017 in O.A.No.4/2016 dated 19.05.2017 and to quash the same and to direct the 3rd respondent to implead the petitioner as the Respondent in the O.A.No.4/2016.

For Petitioner : Mr.M.R.Sreenivasan

For R1 & R3 : Mr.J.Gunaseelan Muthiah
Govt. Advocate

For R2 : Mr.K.Sathiyasingh

For R4 : Mr.K.K.Ramakrishnan

O R D E R

This writ petition has been filed, seeking to quash the order of the third respondent dated 19.05.2017 passed in I.A.No.1/2017 in O.A.No.4/2016, by which, it was declared that the Temple is a

<https://hcmca.courts.gov.in/certiorari>

penalised court. The petitioner also sought a direction to the 3rd respondent to implead the petitioner as the party respondent in O.A.No.4 of 2016.



2. Heard the learned counsel for the respective parties.

3. When the matter is taken up for hearing, learned Government Advocate appearing for R1 & R3 and the learned counsel for other respondents would submit that the petitioner, without exhausting the appeal remedy as provided under Section 69(1) of the Tamil Nadu Hindus Religious and Charitable Endowments Act, 1959, has straightaway approached this Court and therefore, this petition is not maintainable before this Court.

4. In view of the above submissions, this writ petition is disposed of, permitting the petitioner to file an appeal before the first respondent / Commissioner within a period of two weeks from the date of receipt of a copy of this order and if any such appeal being filed, the same shall be entertained without raising any objection with regard to limitation and considered on merits and in accordance with law, after affording an opportunity of hearing to the petitioner. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/Truecopy/

Sub Assistant Registrar

To:

1. The Commissioner,
HR & CE, Nungambakkam,
Chennai.

2. The Joint Commissioner,
HR & CE, Tirunelveli.

+1cc to M/S.M.R.SREENIVASAN, Advocate SR.No.71018

+1cc to M/S.K.SATHIYASINGH, Advocate SR.No.70856

+1cc to M/S.K.K.RAMAKRISHNAN, Advocate SR.No.71009

+1cc to Special Government Pleader, SR.No. 71263

ar

MAS/JC/SAR2:16.08.2017:2P-7C

W.P (MD) No.11392 of 2017
07.08.2017