



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P(MD)No.3160 of 2017

T.Rajarathinam

.. Petitioner

Vs.

1.The Commissioner,
The Hindu Religious and Charitable
Endowments Department,
Chennai - 34.

2.The Joint Commissioner,
The Hindu Religious and Charitable
Endowments Department,
Trichy - 16, Trichy District.

3.The Assistant Commissioner,
The Hindu Religious and Charitable
Endowments Department,
Pudukkottai, Pudukkottai District.

4.The Executive Officer,
The Hindu Religious and Charitable
Endowments Department,
Aranthangi,
Pudukkottai District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to take appropriate steps to represent without default in all civil suits instituted in respect of the temple called Arulmigu Veeramakaliamman Temple situated at Aranthangi Town, Pudukkottai District, based on the petitioner's representation dated 05.07.2016.

For Petitioner : Mr.S.T.Sasidharan Tamilkani

For RR 1 to 3 : Mr.M.Govindan,
Special Government Pleader.

For R - 4 : Mr.G.Mathavan

**ORDER**

[Order of the Court was made by **A.SELVAM, J.**]

This Writ Petition has been filed under Article 226 of the Constitution of India praying to direct the first respondent to take appropriate steps to represent in all civil suits instituted in respect of the Temple viz., Arulmigu Veeramakaliamman Temple, Aranthangi Town, Pudukkottai District, by way of issuing a Writ of Mandamus.

2.The learned counsel appearing for the petitioner has contended that in respect of the Temple mentioned in the petition, four civil suits have been instituted and in some of the suits, the Hindu Religious and Charitable Endowments Department has remained ex-parte. Under the said circumstances, the present Writ Petition has been filed for getting the relief sought therein.

3.The learned Special Government Pleader appearing for the respondents 1 to 3 has contended that after passing ex-parte order, an application has been filed for setting aside the same. Under the said circumstances, the relief sought in the Writ Petition cannot be granted.

4.It is seen from the records that in some suits, the Hindu Religious and Charitable Endowments Department has remained ex-parte and all the suits have been instituted in respect of Arulmigu Veeramakaliamman Temple, Aranthangi Town, Pudukkottai District.

5.Considering the fact that the properties involved in all the suits are the absolute properties of Arulmigu Veeramakaliamman Temple, Aranthangi Town, Pudukkottai District and also considering the fact that in some of the suits, the Hindu Religious and Charitable Endowments Department has remained ex-parte and subsequently, filed a petition to set aside the ex-parte order, this Court is inclined to pass the following order.

6.In fine, this Writ Petition is allowed without costs and the first respondent is directed to give proper instruction to his subordinates to make proper representation in civil suits filed in respect of the properties of Arulmigu Veeramakaliamman Temple, Aranthangi Town, Pudukkottai District.

Sd/-

Assistant Registrar (RTI)

/True copy/



To

1. The Commissioner,
The Hindu Religious and Charitable
Endowments Department,
Chennai - 34.

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The Hindu Religious and Charitable
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Trichy - 16,
Trichy District.

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Pudukkottai,
Pudukkottai District.

4. The Executive Officer,
The Hindu Religious and Charitable
Endowments Department,
Aranthangi,
Pudukkottai District.

+1 CC to M/s.G.MATHAVAN, Advocate, SR No. 16104

+1 CC to M/s.S.T.SASIDHARAN TAMILKANI, Advocate, SR No. 16296

+1 CC to M/s.THE SPECIAL GOVERNMENT PLEADER, SR No. 17026

PS

PSM/RR/27.03.2017/3P/8C

ORDER MADE IN
W.P (MD) No.3160 of 2017
21.03.2017