



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.04.2017

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

WEB COPY

W.P(MD)No.6258 of 2017

W.M.P.(MD) Nos.4942 and 4943 of 2017

Rettamalalai Sri Ondi Karuppasamy Temple Trust,
Represented by its Secretary,
V.Ayyasamy,
S/o.A.Velayutham,
No.2/83, South Street,
Navalpattu,
Trichy - 16.

..Petitioner

Vs

1.The Joint Commissioner,
Office of the Joint Commissioner,
H.R. & C.E. Department,
Trichy.

2.The Assistant Commissioner,
Office of the Assistant Commissioner,
H.R. & C.E. Department,
Trichy.

3.The Executive Officer,
Arulmighu Sedal Mariamman Temple,
Beeman Nagar,
Trichy.

..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 pertaining to the impugned order passed by the 2nd respondent in Se.Mu.Na.Ka.No.47/2017/A5 dated 20.03.2017, and quash the same as illegal, arbitrary and against the principles of natural justice.

For Petitioner	:Mr.S.Karthick Subramanian
For Respondents	:Mr.D.Muruganandham Additional Government Pleader
For 3 rd Respondent	:Mr.N.S.Karthikeyan Additional Government Pleader

ORDER

<https://hcservices.courts.gov.in/hcservices> The petitioner has approached this Court seeking quashment of the impugned order passed by the 2nd respondent in Se.Mu.Na.Ka.No.47/2017/A5 dated 20.03.2017.



2.The petitioner is a registered Trust and the same has been formulated for managing the affairs of the Rettamalai Sri Ondi Karuppasamy Temple. According to the petitioner, some people were trying to take over the affairs of the temple, however, their attempts were resisted by the devotees of the temple. Therefore, they approached the first respondent and filed O.A.No.10 of 2014 to declare the Trust as Hereditary Trust and the third respondent was also added as a party in the proceedings. Unfortunately, according to the petitioner, the petitioner Trust has not been included in the proceedings.

3.After coming to know of the proceedings, the petitioner Trust has also moved the first respondent by filing O.A.No.22 of 2015, seeking for framing of the scheme in order to manage the affairs of the temple. While matters are pending before authorities concerned, respondents 1 and 2 have appointed the third respondent as the Executive Officer of the Temple and who was none other than the respondent in O.A.No.10 of 2014. In the above circumstances, the petitioner is before this Court with the prayer stated supra.

4.When the matter came up for hearing, Mr.D.Muruganantham, the learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that there is a provision under the Tamil Nadu Hindu Religious & Charitable Endowments Act, 1959 for filing revision/appeal to the higher authorities against the appointment of the third respondent. The learned counsels appearing for the petitioner also would submit that the petitioner would exhaust the statutory remedy available under the Tamil Nadu Hindu Religious & Charitable Endowments Act, 1959.

5.In that view of the matter, this Writ Petition is disposed of with liberty to the petitioner Trust to approach the authorities concerned to exhaust the remedy available to them under the Tamil Nadu Hindu Religious & Charitable Endowments Act, 1959. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1.The Joint Commissioner,
Office of the Joint Commissioner,
Hes. Accounts & Govt. In-charge Department,
Trichy.



2.The Assistant Commissioner,
Office of the Assistant Commissioner,
H.R. & C.E. Department,
Trichy.

3.The Executive Officer,
Arulmighu Sedal Mariamman Temple,
Beeman Nagar,
Trichy.

+1CC to M/S.S.Karthick Subramanian, Advocate, SR.No. 51390
+1CC to the Special Government Pleader SR.No. 51768

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sj
AM/SKN RSK/SAR 3/19.04.2017/3P/6C