



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.10.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD) No.24632 of 2016 and
W.M.P. (MD) No.17758 of 2016

1. P.M.Pandiarajan
2. R.Saravana Pandian
3. Rebello

... Petitioners

-vs-

1. The Commissioner,
Hindu Religious and Charitable Endowments (Admn) Department,
Chennai-34.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments (Admn) Department,
Madurai-625 001.
3. Sivaji Poosari
4. C.Karthik
5. K.Ramesh
6. V.K.Pandian
7. Chellapandi
8. P.M.Jagadish Pandian
9. The Fit Person
Arulmigu Pandi Muneeswarar Temple,
Melamadai, Madurai District.
- 10.Executive Officer,
Arulmigu Pandi Muneeswarar Temple,
Melamadai, Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the 2nd respondent proceedings in O.A.No.21 of 2016 dated 07.10.2016 and quash the same.

For Petitioner : Mrs.J.Anandhavalli
For R1 & R2 : Mr.VR.Shanmuganathan
Spl. Govt. Pleader
For R3 to R8 : No Appearance
For R9 & R10 : Mr.S.Manohar

**ORDER**

This writ petition has been filed, seeking to quash the impugned proceedings of the 2nd respondent in O.A.No.21 of 2016 dated 07.10.2016, by which the petitioners were asked to submit their objections / suggestions with regard to appointment of hereditary trustees.

2. The learned counsel for the petitioners would submit that the poojariship and trusteeship are being shared by the legal heirs of Botha Poojari and Mahamuni Poojari with an entitlement to five weeks each and the 1st respondent, all of a sudden, suspended the petitioners on account of some allegations levelled against them and in their place, appointed a Fit Person to the Temple pending enquiry. In the meanwhile, the 2nd respondent has issued a notice to the petitioners calling for reasons as to why a scheme should not be framed for the administration of the temple as contemplated under Section 64(1) of the Tamil Nadu HR & CE Act, 1959. Aggrieved by such notice, the petitioners are before this Court.

3. The learned Special Government Pleader appearing for R1 & R2 would submit that the impugned proceeding is nothing, but a notice, for which, the petitioners have to offer their objections / suggestions only and without doing so, they have straightaway approached this Court.

4. There is every force in the contention raised by the respondents. A cursory look at the impugned proceedings dated 07.10.2016 would go to show that the 2nd respondent has only invited objections / suggestions from the petitioners to frame a scheme under Section 64(1) of the Tamil Nadu HR & CE Act, 1959, which, in the considered opinion of this Court, need not be challenged. Hence, this petition is disposed of, granting liberty to the petitioners to file necessary objections / suggestions to the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order, if not already filed and on such filing, the same shall be considered and necessary orders passed thereon on merits and in accordance with law as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar



To:

1. The Commissioner,
Hindu Religious and Charitable Endowments (Admn) Department,
Chennai-34.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments (Admn) Department,
Madurai-625 001
3. The Executive Officer,
Arulmigu Pandi Muneeswarar Temple,
Melamadai, Madurai District.

+ 1 CC TO M/s.J.ANANDHAVALLI, ADVOCATE IN SR No. 82504
+ 1 CC TO Mr.S.MANO HAR, ADVOCATE IN SR No. 82413

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TE/JC/SAR-II : 24/10/2017 : 3P/6C

W.P(MD) No.24632 of 2016 and
W.M.P.(MD) No.17758 of 2016
10.10.2017