



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.9457 of 2011
and
M.P(MD)No.2 of 2011

N.Lalitha

... Petitioner

Vs.

1. The Commissioner
Hindu Religious and Charitable Endowment Department,
Nungambakkam High Road,
Chennai - 34.

2. The Executive Officer,
Arulmigu Swami Nellaiyappar and
Kanthimathiamman Temple,
Tirunelveli Town.

3. The Managing Trustee
Arulmigu Swami Nellaiyappar and
Kanthimathiamman Temple,
Tirunelveli Town.

4.Meenkashi

5.Minnammal @ Vijyalakshmi

6.Perumal Pallavarayar

... 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 of the impugned order passed by the first respondent in R.P.No.23/2010 D2, dated 08.03.2011 and quash the same and further direct the first respondent to decide the revision petition on merits.

For Petitioner	: Mr.H.Arumugam
For R1	: Mr.M.Alagathevan, Special Government Pleader
For R2	: Mr.S.Madhavan
For R3	: No Appearance
For R4 & R6	: Mr.D.Nallathambi
For R5	: Mr.K.Sudalaiyandi

**ORDER**

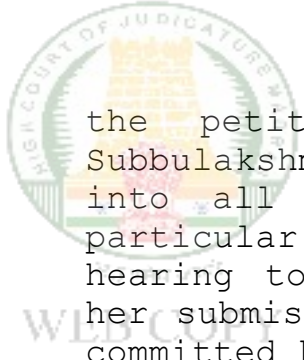
This writ petition has been filed, seeking to quash the impugned order passed by the first respondent in R.P.No. 23/2010 D2, dated 08.03.2011. The petitioner also sought for a direction to the first respondent to decide the revision petition on merits.

2. Heard the learned counsel appearing on either side.

3. It is the case of the petitioner that her family is the hereditary Archakar of Arulmigu Puttarathi Amman Temple, Tirunelveli Town and the said rights were inherited through her grandfather. After his demise, his two sons, namely, her father Nataraja Pallavarayar and Perumal Pallavarayar/6th respondent were performing the job of Archakar. It is the further case of the petitioner that her father died leaving behind the petitioner, mother, sister/5th respondent and brother as legal representatives and after the death of her brother, his wife Meenakshi/4th respondent was allowed to perform pooja. All of a sudden the third respondent passed a resolution stating that the female heirs are not entitled to succeed the rights of poojariship and based on the said resolution, the second respondent passed an order permitting the 4th respondent, being a male heir to take the turn after the life time of the mother of the petitioner. Aggrieved by the same, her mother filed an appeal before the Joint Commissioner, which ended in dismissal and the subsequent review petition filed by her was also dismissed. Challenging the said order, her mother filed a revision before the first respondent in RP No.23/10D2 and obtained an interim order. During the pendency of the appeal, her mother died on 03.02.2011, leaving behind herself and sister as legal heirs. But the first respondent passed the impugned order dated 08.03.2011, holding that the revision petition gets abated pursuant to the death of her mother, but liberty was granted to the legal heirs to approach the temple authority. Aggrieved by the same, the petitioner has come before this Court with the above said prayer.

4. The learned counsel for the petitioner would submit that though the present petitioner is one of the parties in the RP No.23/2010, without considering the same, the revision petition was dismissed as abated. Thus, there is a clear violation of principles of natural justice and the petitioner, being one of the legal heirs has filed a representation dated 22.04.2011 in terms of the liberty granted by the 1st respondent in the revision petition and the same is said to be pending.

5. On perusal of the averments made in the writ petition, <https://hcservices.ecm.csb.gov.in/hcservices/> it is seen that even though the petitioner was a party in the revision petition, the 1st respondent had unilaterally taken a decision to dismiss the petition as abated without even hearing



the petitioner, who is the female heir of the deceased Subbulakshmi Ammal. The quasi judicial authorities should look into all the aspects before arriving at a conclusion on a particular issue and had the 1st respondent given an opportunity of hearing to the petitioner, she could have effectively put forth her submission before the 1st respondent with regard to the error committed by the authorities. Therefore, this Court is of the view that the impugned order is liable to be set aside on the ground of gross violation of principles of natural justice.

6. Accordingly, this petition is allowed. The impugned order, dated 08.03.2011 is set aside and the matter is remanded back to the respondents 1 & 2 for fresh consideration. The respondents 1 & 2 are directed to pass appropriate orders on the revision petition, on its own merits and in accordance with law upon notice to the petitioner as well as other connected parties and thereafter proceed further in the matter. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To:

1. The Commissioner
Hindu Religious and Charitable Endowment Department,
Nungambakkam High Road, Chennai - 34.
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Arulmigu Swami Nellaiyappar and
Kanthimathiamman Temple, Tirunelveli Town.

+ 1 cc TO Mr.H.Arumugam , Advocate in SR No. 80808
+ 1 cc TO Mr.S.Madhavan , Advocate in SR No. 80474
+ 1 cc TO Mr.D.Nallathambi , Advocate in SR No. 80204

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AE/SKN RSK/SAR1/11.10.2017/3P/7C

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