

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.7097 of 2018
and
WMP.Nos.8797 to 8799 of 2018

K.Shanmugavel Mudaliar
Managing Trustee
Arulmigu Agastheeswarar Temple & allied Temples
Pozhichalur
Chennai-600 074. .. Petitioner

Vs.

1.The Commissioner
Hindu Religious & Charitable Endowment Administration Dept.,
Nungambakkam,
Chennai-600 034.

2.The Executive Officer
Arulmigu Agastheeswarar Temple & Allied Temples
Pozhichalur
Chennai-600 074. ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records on the file of the 1st respondent relating to the impugned order dated 07.10.2016 bearing Ref.No.Na.Ka.No.50371/2016/D3 and quash the same and consequently, direct the respondents & their subordinates not to appoint any Executive Officer / Thakkar to Arulmigu Agastheeswarar Temple and its allied temples, Pozhichalur, Chennai-600 074, by virtue of the decree passed in O.S.No.118/2009.

For Petitioner : Mr.T.Sai Krishnan

For Respondents : Mr.M.Maharaja
Special Government Pleader for R1
Mr.T.S.Vijayaraghavan for R2.

O R D E R

This writ petition is filed challenging the proceedings of the first respondent dated 07.10.2016 and consequently, seeks for a direction to the respondents not to appoint any Executive Officer / Thakkar to Arulmigu Agastheeswarar Temple and its allied Temples, Pozhichalur, Chennai-600 074, by virtue of the decree passed in O.S.No.118/2009.

2. Heard Mr.T.Sai Krishnan, learned counsel for the petitioner, Mr.M.Maharaja, learned Special Government Pleader for the first respondent and Mr.T.S.Vijayaraghavan, learned counsel for the second respondent.

3. A bare perusal of the impugned order, which was passed as early as on 07.10.2016, would clearly indicate that this writ petition is wholly misconceived. The impugned communication is nothing but a direction issued to the Executive Officer of Arulmigu Agastheeswarar Temple, Pozhichalur, to file an application in O.S.No.337 of 2016, pending on the file of the District Munsif Court, Alandur, a suit filed by the petitioner herein, to get the said Official impleaded as a party / defendant therein and contest the suit. It is seen that there is a dispute with regard to the title to the property and the management of the Temple and it is further seen that there are several litigations pending between the parties. In any event as the present impugned communication is an internal communication issued by the first respondent to the Executive Officer, asking the said official to get himself impleaded as a party / defendant in the suit filed by the petitioner, I do not think that the very internal communication itself can be questioned by the petitioner by filing the writ petition. Needless to say that it is for the petitioner to contest the application filed for impleading the said official, if the petitioner has any merits to make such contest. Without doing so, filing the present writ petition, that too, challenging the proceedings issued as early as on 07.10.2016 cannot be entertained. Accordingly, this writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mk

To

1.The Commissioner
Hindu Religious & Charitable Endowment Administration Dept.,
Nungambakkam,
Chennai-600 034.

2.The Executive Officer
Arulmigu Agastheeswarar Temple & Allied Temples
Pozhichalur
Chennai-600 074.

+4cc to Mr.Sai Bharath , Advocate, S.R.No.23391

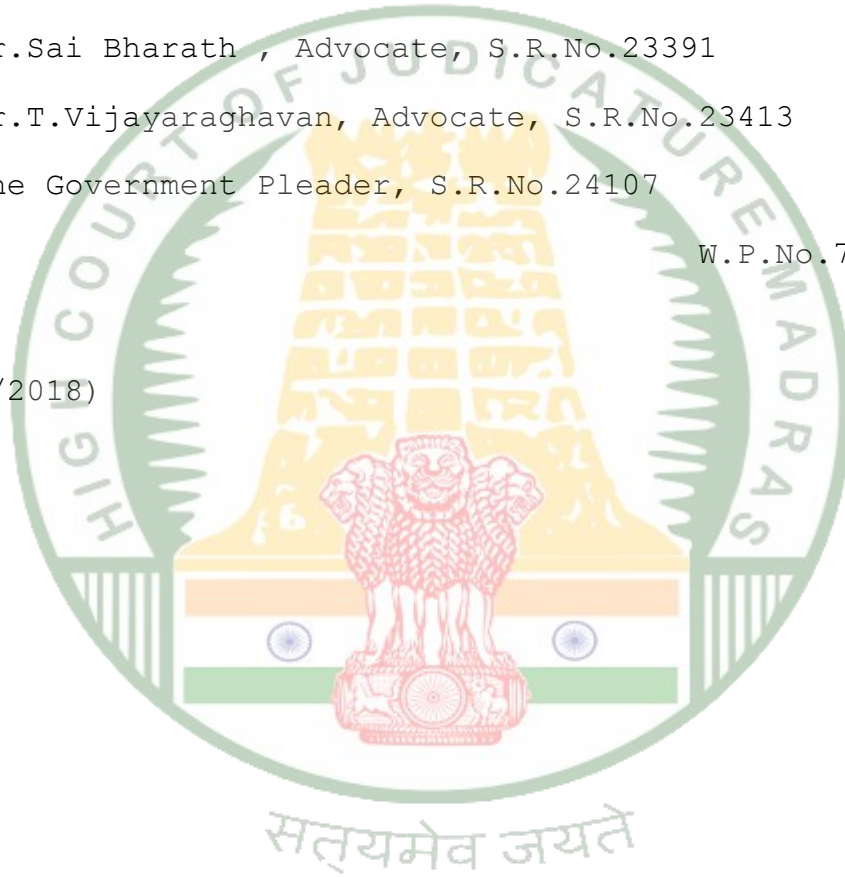
+5cc to Mr.T.Vijayaraghavan, Advocate, S.R.No.23413

+1cc to the Government Pleader, S.R.No.24107

W.P.No.7097 of 2018

MR(CO)

RRK(19/04/2018)



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