

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.19012 of 2018

S.Kannan

.. Petitioner

-vs-

1. The Commissioner  
Hindu Religious and Charitable  
Endowment Department  
No.119, Uthamar Gandhi Salai  
Nungambakkam  
Chennai 600 034
  2. The Joint Commissioner  
Hindu Religious and Charitable  
Endowment Department  
O/o the Joint Commissioner  
Dr.Balasundaram Road  
Coimbatore 641 018
  3. The Executive Officer/Fit Person  
A/m Sree Nagaraja Nagamman Temple  
Anbu Nagar, Edayarpalayam  
Coimbatore  
Also Executive Officer  
A/m Thandumariamman Temple  
Avinasi Street, Coimbatore Nagar & Taluk  
Coimbatore District
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, forbearing the respondents from interfering with the petitioner and other executive members administration of Arulmigu Sree Nagaraja Nagamman Temple situated in Anbu Nagar, Edayarpalayam, Coimbatore District, till the disposal of the Revision Petition pending on the file of the first respondent within the time to be fixed by this Hon'ble Court.

For Petitioner :: Mr.V.Srikanth

For Respondents :: Mr.M.Maharaja  
Special Government Pleader

## ORDER

The petitioner is one of the applicants in O.A.No.2 of 2011 filed under Section 64(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act on the file of the Joint Commissioner of Hindu Religious and Charitable Endowments Department, Coimbatore to frame a scheme of administration for Arulmigu Sree Nagaraja Nagammal Temple situate in Anbu Nagar, Edayarpalayam, Coimbatore Taluk, among other things, for appointment of non-hereditary trustees by the general body of Nagaraja Nagammal Kovil Vazhipattu Sangam, Anbu Nagar, Edayarpalayam, Coimbatore Taluk. During the pendency of the said O.A., an Executive Officer/Fit person has been appointed in Arulmigu Sree Nagaraja Nagammal Temple, Anbu Nagar, Edayarpalayam by order dated 14.6.2018 passed by the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Coimbatore, the second respondent herein. The learned counsel for the petitioner contended that without a final decision being taken in the O.A.No.2 of 2011, the third respondent ought not to have been appointed. However, questioning the appointment of the third respondent, a revision petition has been filed before the Commissioner, Hindu Religious and Charitable Endowments Department, Chennai, the first respondent herein under Section 21 of the Tamil Nadu Hindu Religious and Charitable Endowments Act. It is also contended that accepting the revision petition, notice has been issued informing the petitioner and others to appear for the enquiry on 20.8.2018. In the meanwhile, the third respondent has called upon the petitioner to handover the charge, which is legally unjustified, as neither the O.A., pending on the file of the second respondent has been disposed of nor the revision petition pending on the file of the first respondent, which is posted to 20.8.2018, is yet to be decided. Therefore, the respondents should be restrained from interfering with the petitioner and other executive members of Arulmigu Sree Nagaraja Nagammal Temple, Anbu Nagar, Edayarpalayam, Coimbatore. The learned counsel for the petitioner also fairly submitted that the petitioner and other executive members are prepared to cooperate with the second respondent for disposal of the main O.A.No.2 of 2011 at an early date.

2. Mr.M.Maharaja, learned Special Government Pleader for the respondents also submitted that this Court may fix an outer time limit for disposal of the main O.A.No.2 of 2011 by the second respondent on merits and in accordance with law. He also submitted that the revision petition filed under Section 21 challenging the appointment of the third respondent is also posted for hearing on 20.8.2018 before the first respondent.

3. In view thereof, this Court hereby directs the second

respondent to consider and dispose of the O.A.No.2 of 2011 on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order. Till then, the third respondent is hereby directed not to coerce the petitioner to handover the charge of Arulmigu Sree Nagaraja Nagammal Temple, Anbu Nagar, Edayarpalayam, Coimbatore to the Fit Person/Executive Officer. It is open to the petitioner to pursue the revision petition after the result of the O.A., if so advised. With this direction, the writ petition stands disposed of. Consequently, W.M.P.No.22410 of 2018 is closed. No costs.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1. The Commissioner  
Hindu Religious and Charitable  
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Coimbatore District

+1cc to Mr.V.Srikanth, Advocate SR.No.51076

W.P.No.19012 of 2018

VSNII (CO)  
GN(06/08/2018)