

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.7.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.19364 of 2018
and W.M.P.No.22769 of 2018

K.R.Palanisamy
S/o Rathina Gounder,
Kottaiyur, Kaveripuram Post,
Mettur Taluk, Salem District.

PETITIONER

Vs.

- 1 The Commissioner,
Hindu Religious and Charitable Endowments,
Administration Department, Uthamar Gandhi Road,
Nungambakkam, Chennai-34
- 2 The Joint Commissioner,
Hindu Religious and Charitable Endowment
Administration Department, Salem-1
- 3 The Fit Person/ Executive
Officer Arulmighu Meenakshi Chokkanathar
Temple Mettur Dam at Arulmigu Alagirinathar
Temple, Salem City, Salem.
- 4 C.Kuppusamy
East Kottaiyur Kaveripuram Post Mettur Tk
Salem Dt- 636 303
- 5 S.Rajesh @ Mahadevan
S/o.Shanmuga Sundaram Kaveripuram Post
Mettur Tk Salem Dt- 636 303
- 6 P.Ramasamy
S/o.Palanisamy Gounder, Nayampadi,
Kaveripuram Post Mettur Tk Salem Dt- 636303
- 7 S.Mylsamy
S/o.Siddhan Chetty,
Telunganur kaveripuram Post,
Mettur Taluk, Salem District- 636 303

8 P.Ramar
S/o.Palaniappa Gounder,
Katthiripatti, Nayampadi,
Kaveripuram Post Mettur Taluk,
Salem Dt- 636303

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RESPONDENTS

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by first respondent dated 30.03.2016 in A.P. No.30 of 2015 D2 on the file of the 1st respondent quash the same and consequently direct the 3rd respondent to take charge of the Arulmigu Kottai Periyamariamman Koil Kottaiyur Mettur Salem District for better administration of the said temple.

For Petitioner : Mr.C.Selvaraj, Sr. counsel for
Mr.S.Periasamy

For Respondents : Mr.M.Maharajan
1 to 3 Spl. Govt. Pleader

O R D E R

The writ petition is directed against the impugned order, dated 30.3.2016 to quash the same with consequential direction to the third respondent to take charge of the Arulmigu Kottai Periyamariamman Koil Kottaiyur Mettur Salem District for better administration of the said temple.

2 Learned Senior Counsel appearing for the petitioner submitted that since the petitioner is permanent resident of Kottaiyur Village, Mettur Taluk, Salem district, petitioner's family along with people living in the said village are worshipping Arulmighu Kottai periyamariamman Koil. However, one Mr.C.Kuppusamy and his associates, the respondents 4 to 8 claiming themselves as Administrator of the said temple, sought to control the affairs of the temple. Therefore, the petitioner has filed O.A.No.8 of 2015 before the second respondent seeking to appoint a Fit person/Executive Officer for the said temple to control the affairs of the temple under Section 64 of HR & CE Act. Finally, the Joint Commissioner, H.R. & C.E. Department, Salem, the second respondent herein was appointed as Fit person to take charge of the affairs of the temple and control of the movable and immovable assets of the temple under Section 64 of the H.R. & C.E. Act. However, he was not able to take charge of the temple. In the meanwhile, the said order was cancelled by the first respondent on appeal. Aggrieved by the order passed by the first respondent, the present writ petition has

been filed.

3 The learned Special Government Pleader appearing for the respondents submitted that the third respondent was appointed as Fit Person/Executive Officer in I.A.No.11 of 2015 in O.A.No.8 of 2015 and the said order was also cancelled at the instance of appeal filed by the respondents 4 to 8. O.A.No.8 of 2015 has been filed by the petitioner and another O.A.No.7 of 2016 has been filed by the respondents 4 to 8 may be directed to be taken up together by the second respondent, viz., the Joint Commissioner, H.R. & C.E. Department, Salem. After receiving reply to notice sent to both parties, the aforementioned O.As. filed by the petitioner and the respondents 4 to 8 will be disposed of on merits and in accordance with law.

4. Recording the said submission, the Joint Commissioner, H.R. & C.E. Department, Salem, the second respondent herein is directed to take up both O.As. as mentioned above for common disposal and pass final order on merit and in accordance with law, within a period of three months from the date of receipt of a copy of this order. Till passing the final order by the second respondent, the parties are directed to maintain status quo as on date.

5 The writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

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To

- 1 The Commissioner,
Hindu Religious and Charitable Endowments,
Administration Dept.,
Uthamar Gandhi Road, Nungambakkam, Chennai-34.
- 2 The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Administration Dept., Salem-1

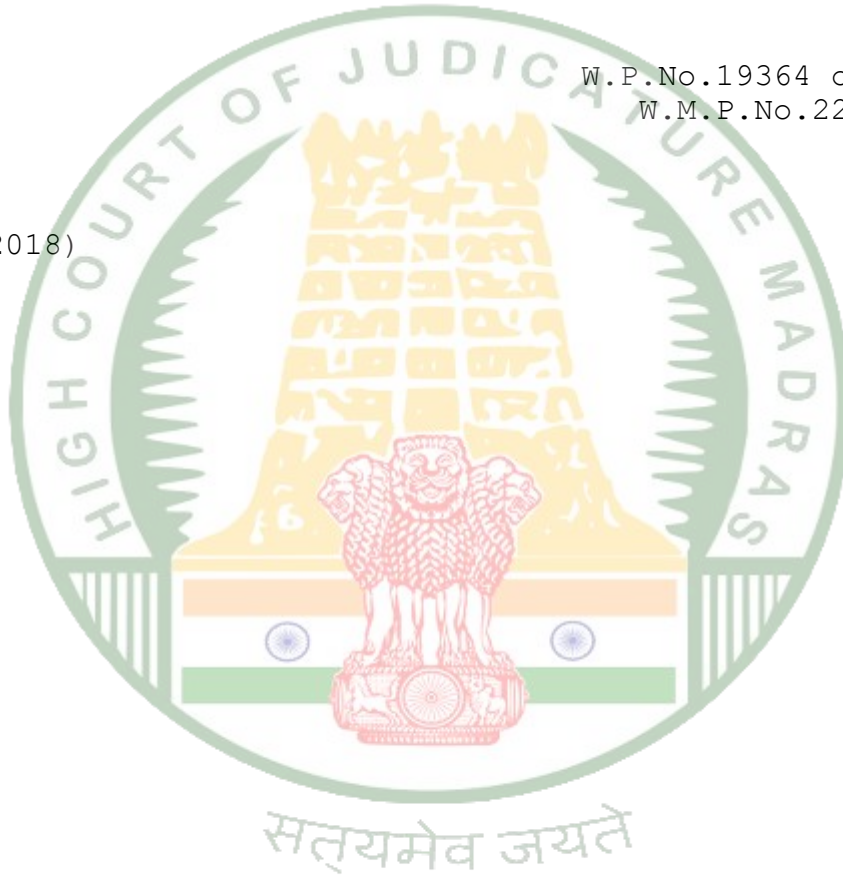
3 The Fit Person/ Executive Officer,
Arulmighu Meenakshi Chokkanathar Temple, Mettur Dam at
Arulmigu Alagirinathar Temple, Salem City, Salem.

+1 CC to Mr.S. Periyasamy, Advocate sr 52067.

+1 CC to The Spl.Govt. Pleader sr 52523.

NMI (CO)
SP(16/08/2018)

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