



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2018

CORAM:

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THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.(MD)No.7055 of 2018

S.Ponnu Perumal

.. Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious & Charitable Endowment
Department,
Sivagangai,
Sivagangi District.

2.The Assistant Commissioner,
Hindu Religious & Charitable Endowment
Department,
Paramakudi,
Ramanathapuram District.

.. Respondents

This writ petition is filed under Article 226 of the Constitution of India seeking direction to first respondent herein to number the petition filed to set aside the order of ex parte filed on 15.2.2018 in O.A.No.8 of 2016 on the file of first respondent herein and thereby to restore the application in O.A.No.8 of 2016 on his file for further hearing and to dispose of the same within a reasonable time by affording reasonable opportunity to all parties concerned.

For Petitioner : Mr.K.P.Krishnadoss
for Mr.S.Satheesh Kumar

For Respondents : Mr.Ayiram K.Selvakumar, AGP

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ORDER

Subject matter of this writ petition is a Temple which goes by the name 'Arulmighu Umayanayagi Amman Temple' situate at S.Tharaikudi village, Kadaladi Taluk, Ramnad District, which is concededly under the administration and control of the Tamil Nadu Hindu Religious and Charitable Endowments Department (hereinafter referred to as 'TNHR&CE Dept.' for brevity) and is governed by the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as 'TNHR&CE Act' for brevity). This temple is hereinafter referred to as 'said temple' for the sake of convenience and clarity.



2 This entire writ petition turns on a very narrow compass.

3 I have heard Mr.K.P.Krishnadoss, learned counsel representing the counsel on record for the writ petitioner.

4 Mr.Ayiram K.Selvakumar, learned Additional Government Pleader, who accepts notice on behalf of both respondents, who are jurisdictional Joint Commissioner and Assistant Commissioner of TNHR&CE Dept., is before me.

5 Narrow compass on which this writ petition turns is that there is a scheme that has been framed for the said temple, vide proceedings in O.A.No.5 of 1999 and the order framing the scheme is dated 17.04.2000. I am informed that this is a scheme under Section 64 of the TNHR&CE Act.

6 Be that as it may, writ petitioner along with four others has filed a petition for modification of the aforesaid scheme dated 17.04.2000 inter-alia invoking sub section (5) of Section 64 of the TNHR&CE Act.

7 The modification petition has been taken on file as O.A.No.8 of 2016 on the file of the first respondent before me.

8 The aforesaid modification petition came to be dismissed for default by the first respondent on 18.01.2018.

9 Immediately thereafter on 15.2.2018, the writ petitioner and four others have filed a petition for restoration of modification petition, i.e., O.A.No.8 of 2016 which was dismissed for default on 18.01.2018. There is no disagreement or dispute before me that the petition for restoration is now pending on the file of 1st respondent.

10 I have perused the restoration petition. The reason given is that counsel's automobile broke down and therefore, the counsel could not reach the office of the first respondent within time on 18.01.2018.

11 I express no opinion on the merits of the restoration petition or the modification petition. Be that as it may, it is necessary for completion of facts to say that one K.Arumugam filed a writ petition being W.P.(MD)No.15855 of 2017 on the file of this Bench (before Division Bench), seeking prayers regarding a festival in the said temple.

12 The aforesaid writ petition being W.P.(MD)No.15855 of 2017 came to be disposed of by a Division Bench on 23.8.2017. Paragraph 4 of the said order is relevant and the same reads as follows :



"4. We direct the third respondent to take follow-up action for appointment of Board of Trustees to the Arulmigu Umaiyanganiamman Temple, as expeditiously as possible and in any case, within a period of three months from the date of receipt of a copy of this order."

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13 I am informed that respondent No.4 in the said writ petition has filed a petition before the Division Bench on 27.03.2018 vide SR No.24849 of 2018 for extension of time qua para 4 of Division Bench order extracted supra. Under such circumstances, the second respondent has issued a notice dated 6.3.2018 bearing Na.Ka.No.2933/2017/A7 calling for applications from eligible aspirants for appointment as trustees. I am informed that this notice has also been challenged by way of another writ petition being W.P.(MD)No.6255 of 2018, notice has been issued in the same on 23.03.2018 and the writ petition is pending.

14 Therefore, though obvious it is made clear that I express no opinion whatsoever touching upon W.P.(MD)No.6255 of 2018 assailing the notice of the second respondent dated 6.3.2018.

15 The only request before me is that the aforesaid restoration petition filed on 15.2.2018 may please be directed to be disposed of expeditiously.

16 Learned Additional Government Pleader brings to my notice that the first respondent Joint Commissioner sits every Thursday and the next sitting is scheduled to on 05.04.2018.

17 In the light of the narrative supra, first respondent, Joint Commissioner, TNHR&CE Dept., Sivagangai District is directed to dispose of the aforesaid restoration petition dated 15.2.2018 (to restore O.A.No.8 of 2016) on merits and in accordance with law preferably on 05.04.2018 itself and in any event, latest by the next sitting on 12.4.2018.

18 With the aforesaid direction, this writ petition is disposed of. No Costs.

Sd/-

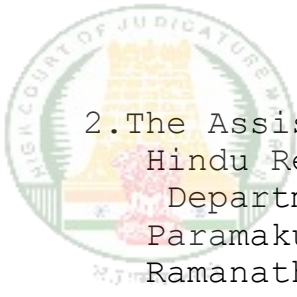
Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar

To

1.The Joint Commissioner,
Hindu Religious & Charitable Endowment
Department,
Sivagangai, Sivagangi District.



2.The Assistant Commissioner,
Hindu Religious & Charitable Endowment
Department,
Paramakudi,
Ramanathapuram District.

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Copy to:

The Additional Government Pleader,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.S.Satheesh Kumar, Advocate, SR.No. 59179

W.P. (MD) No.7055 of 2018
02.04.2018

vvk

AM/SV MMS/SAR 4/02.04.2018/4P/5C