



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Seventeenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN
and

The Hon`ble Mrs.Justice R.HEMALATHA

CMP (MD) Nos.4993 & 4994 of 2016

IN

WA (MD) Nos.900 & 901 of 2015

L.SHANMUGAVEL

... PETITIONER /PROPOSED 4th RESPONDENT
IN CMP (MD) No.4993/16

... PETITIONER/PROPOSED 5th RESPONDENT
IN CMP (MD) No.4994/16

Vs

1 C.N.SUBRAMANI

2 M.G.BALAN

3 M.G.CHELLAM

... 1 to 3rd RESPONDENTS/APPELLANTS
in both the petitions

4 A.RAJENDRAN

5 THE JOINT COMMISSIONER,
O/O.JOINT COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT,
MADURAI.

6 THE EXECUTIVE OFFICER,
ARULMIGU SADAYANDISWAMY TEMPLE,
AKKARAIPATTY,
HAVING HIS OFFICE AT ARULMIGU GOPINATHASAMY TEMPLE,
REDDIYARCHATHRAM, DINDIGUL.

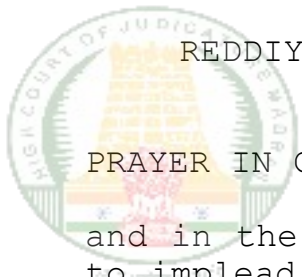
... 4 to 6th RESPONDENTS/ 1 to 4
RESPONDENTS IN CMP (MD) No.4993/16

4 SUBBAN CHETTIYAR

5 THE COMMISSIONER,
H.R & C.E.DEPARTMENT,
NUNGAMBAKKAM,
CHENNAI.

6 THE JOINT COMMISSIONER,
O/O JOINT COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT,
MADURAI.

7 THE EXECUTIVE OFFICER,
ARULMIGU SADAYANDISWAMY TEMPLE,
AKKARAIPATTY,
HAVING HIS OFFICE AT ARULMIGU GOPINATHASAMY TEMPLE,



PRAYER IN CMP(MD)No.4993/2016:-

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to implead the Petitioner herein as 4th Respondent in W.A(MD)No.900 of 2015 and thus render justice.

Prayer in WA(MD). 900/ 2015 :

The named Appellant prefer this memorandum of grounds of Writ Appeal against the order passed in WP.(MD).No.11977/2015 dated 10.08.2015.

Prayer in WP(MD). 11977/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari to call for the records relating to the impugned order dated 8.7.15 made in I.A.No. 08 of 2015 in O.A.No. 06/2015 passed by the 1st respondent and quash the same.

Prayer in CMP(MD). 4994/ 2016 :

To implead the Petitioner herein as 5th Respondent in W.A(MD) No.901 of 2015 and thus render justice.

Prayer in WA(MD). 901/ 2015 :

The named Appellant prefer this memorandum of grounds of Writ Appeal against the order passed in WP.(MD).No.13352/2015 dated 10.08.2015.

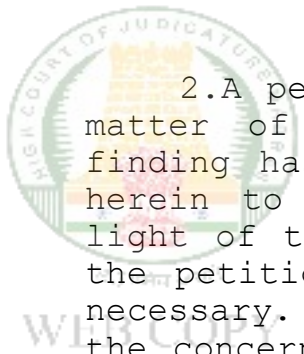
Prayer in WP(MD). 13352/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, to call for the records relating to the Impugned order dated 08.07.2015 made in I.A. No. 08 of 2015 in O.A. No. 06 of 2015 passed by the 2nd respondent and quash the same.

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.S.MANO HAR, Advocate for the petitioner in both the petitions and of Mr.T.LAJAPATHY ROAY on behalf of the Respondents in both the petitions , the court made the following order:-

(Order of the Court was made by M.SATHYANARAYANAN,J)

The learned counsel appearing for the petitioner has drawn the attention of this Court to paragraph No.3 of the counter-affidavit filed by the third respondent in these Writ Appeals and would submit that there is an averment to the effect that "poojas to the Sadayandiswami situated in the Hill Top is being conducted by Shanmugavel vakayara" and he would submit that the petitioner alone is doing pooja in the said Temple and in order to refute the allegation seeks for impleadment.



2.A perusal of the impugned common order, which is the subject matter of these Writ Appeals, would disclose that no specific finding has been given as to the alleged right of the petitioner herein to perform pooja in the Sadayandiswami Temple and in the light of the same, this Court is of the view that the presence of the petitioner, in Writ Appeal (MD) Nos. 900 and 901 of 2015, is not necessary. If the petitioner is aggrieved by any future action by the concerned respondents, he is always at liberty to work out his remedy in accordance with law before the competent forum.

3. These petitions are dismissed subject to the above observation.

sd/-
17/01/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JOINT COMMISSIONER,
O/O. JOINT COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT,
MADURAI.

2 THE EXECUTIVE OFFICER,
ARULMIGU SADAYANDISWAMY TEMPLE,
AKKARAIPATTY,
HAVING HIS OFFICE AT ARULMIGU GOPINATHASAMY TEMPLE,
REDDIYARCHATHRAM, DINDIGUL.

3 THE COMMISSIONER,
H.R & C.E. DEPARTMENT,
NUNGAMBAKKAM, CHENNAI.

+1. C.C. to MR. S. MANOHAR Advocate SR.No. 848

JAM/22/01/2018/CM-VR/ SAR 2/ 3P-5C

ORDER
IN
CMP (MD) Nos. 4993 & 4994 of 2016
IN
WA (MD) Nos. 900 & 901 of 2015
Date : 17/01/2018