



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2018

CORAM :

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

Writ Petition (MD) No.3665 of 2018

and

W.M.P(MD) Nos.3789 and 3790 of 2018

M.Kasiviswanathan

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tirunelveli.

3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Thoothukudi.

4.The Executive Officer,
Arulmighu Mutharamman Temple,
Kulasekarapatnam,
Tuticorin District.

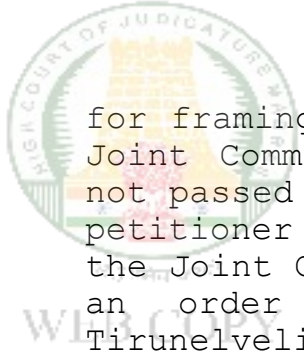
... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the order of the 3rd respondent in S.M.Na.Ka.4017/2012/Ah-1 dt.04/10/2017 and quash the same in respect of Navarathiri Kattalai in Arulmigu Subramaniaswamy Temple Tiruchendur and direct the second respondent to dispose of the pending original applications by this Court.

For Petitioner : Mr.S.Manohar
For Respondents 1,2&3 : Mr.Aayiram K.Selvakumar,
Additional Government Pleader.
For Respondent No.4 : Mr.Muthugeethaiyan

ORDER

This writ petition has been filed challenging the order passed by the third respondent dated 04.10.2017 whereby the fourth respondent has been appointed as Fit Person of Arulmigu Mutharamman Temple, Kulasekarapatnam, Tuticorin District.



for framing a scheme in O.A.No.6 of 2014 and it is pending with the Joint Commissioner, Tirunelveli. Since the Joint Commissioner has not passed any order on the application filed by the petitioner, the petitioner has filed W.P(MD)No.18802 of 2015 seeking direction to the Joint Commissioner to dispose of O.A.No.6 of 2014. This Court by an order dated 14.10.2015 directed the Joint Commissioner, Tirunelveli to dispose of O.A.No.6 of 2014. Despite the said direction, the Joint Commissioner did not pass any order in the original application filed by the petitioner.

3. Pending the said application, the third respondent has passed an order appointing the fourth respondent as fit person that too, after the order passed by this Court directing the Joint Commissioner to dispose of the application, hence, challenging the above order, the present writ petition has been filed.

4. Per contra, learned counsel appearing for the respondents 3 and 4 would contend that the petitioner is not conducting any of the Kattalai for the past several years and there is also a rival claim to manage the endowment. Apart from that there are some irregularities in managing the affairs of the endowment. In the above circumstances, the third respondent has passed the impugned order appointing the fourth respondent as fit person to manage the endowment.

5. Considering the facts and circumstances of the case, and considering the fact that the original application filed by the petitioner under Section 63(b) of the Act is pending for a long time, it is suffice to direct the second respondent to pass final orders on the application filed by the petitioner, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after giving opportunity to the petitioner as well as to the rival parties. The second respondent is also directed to complete the enquiry and pass orders within the time specified in the order. Needless to mention that the appointment of the fit person is subject to the outcome of the order to be passed in the original application filed by the petitioner.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, W.M.P(MD)Nos.3789 and 3790 of 2018 are closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

1. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Chennai.



2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tirunelveli.

3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Thoothukudi.

+One cc to Mr.S.Manohar, Advocate, SR.No.50654

+One cc to Mr.M.Muthugeethayan, Advocate, SR.No.50516

sms

RL/6C/3P/KKR/SAR2/9/3/2018

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