



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 31.01.2018

WEB COPY

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

**W.P. (MD) .No.760 of 2018
and
W.M.P. (MD) .No.819 of 2018**

P.V.S.Gopalakrishnan

... Petitioner

-Vs-

1. The Joint Commissioner,
Hindu Religious & Charitable Endowments Act,
Madurai.

2. The Thasildar,
Melur,
Madurai District.

3. Durairaj

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the second respondent not to give permission to the third respondent or anybody from conducting and performed any poojas in Arulmigu Kariyaperumal Temple, Kumuttranpatti Village, Kottampatti, Melur Taluk, Madurai District in the capacity of hereditary trustee on 13.01.2018 and 14.01.2018, pending disposal of the proceedings before the first respondent in O.A.No.1 of 2016 and consequently direct the first respondent to complete the enquiry within a time frame fixed by this Court.

For Petitioner : Mr.J.Jeyakumaran

For R1 & R2 : Mr.M.Rajarajan
Government Advocate

**O R D E R**

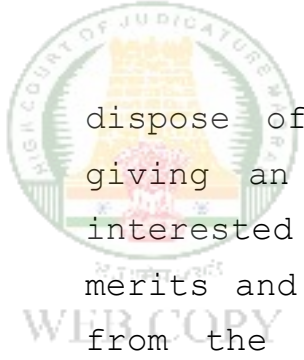
The writ petition has been filed seeking a direction to the second respondent not to give permission to the third respondent to perform any poojas in Arulmigu Kariyaperumal Temple, Kumuttranpatti Village, Kottampatti, Melur Taluk, Madurai District, in the capacity of hereditary trustee on 13.01.2018 and 14.01.2018, pending disposal of the proceedings before the first respondent in O.A.No.1 of 2016 and consequently direct the first respondent to complete the enquiry within a time frame fixed by this Court.

2. Earlier the matter came up for hearing, this Court passed an interim order, which reads as follows:

"In the above circumstances, in the interest of justice, as an interim measure, for this year, regular festival can be conducted by the village people, in which, either the petitioner or the third respondent should not conduct any poojas and the second respondent Tahsildar is directed to give adequate protection with the help of the Inspector of Police, Kottampatti Police Station for conducting festival. However, it is always open to the petitioner and third respondent to participate in the festival."

3. Today, when the matter is taken up for hearing, the learned Government Advocate appearing for the respondents 1 and 2 would submit that the festival is over peacefully and no untoward incident has taken place. In the above circumstances, nothing remains to adjudicate in this writ petition. Accordingly, the writ petition stands closed. However, the learned counsel for the petitioner would submit that in respect of the right to hereditaryship, the Original Application is pending in O.A.No.1 of 2016, before the first respondent and that may be directed to be disposed of at the earliest point of time.

4. Considering the fact that now O.A.No.1 of 2016 is pending before the first respondent, the first respondent is directed to



dispose of the original application in O.A.No.1 of 2016, after giving an opportunity to the petitioner as well as the other interested parties and complete the enquiry and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Joint Commissioner,
Hindu Religious & Charitable Endowments Act,
Madurai.
2. The Thasildar,
Melur,
Madurai District.

+1cc to M/S.J.JEYAKUMARAN, Advocate SR.No.45333.
+1cc to Special Government Pleader in SR.No.46003.

W.P. (MD) No.760 of 2018
31.01.2018

akv
SDS/MR/SAR 1/19.02.2018/3P/5C