



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated :17.09.2018
CORAM

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A.(MD)Nos.783 and 1006 of 2018
and
C.M.P(MD)Nos.4622 and 7046 of 2018

The Fit Person cum Executive Officer,
Arulmigu Sri Muthalamman Thirukoil,
Virattipathu,
Camp at Sri Jeyaveera Anjaneyar Temple,
Simmakkal, Madurai -1.

...Appellant in Both Writ
Appeals/3rd respondent

Vs.

1.T.Pitchai Pillai
2.K.Vannian Kothandaraman
3.A.Arumugam

...Respondents 1 to 3 in
both Writ Appeals/Petitioners

4.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
119, Uthamar Gandhi Street,
Nungambakkam, Chennai - 600 034.

5.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
B-1 Road, Ellis Nagar,
Madurai - 625016.

...Respondents 4 & 5 in both
writ appeals/Respondents 1 & 2

Common Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the orders dated 26.04.2018 and 28.06.2018 passed in W.M.P(MD)No.8908 of 2018 in W.P(MD)No.9662 of 2018 and in W.P(MD)No.9662 of 2018 respectively, on the file of this Court and thereby allow the writ appeals.

Prayer in WMP(MD).8908/2018:

<https://hcservices.ecourts.gov.in/hcservices/>

To issue an interim Direction forbearing the respondents 1 to 3 from conducting any yearly Vaikasi Festival of the temple for



this year i.e., 2018 pending disposal of this WP.

Prayer in WP(MD) . 9662/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents 1 to 3 to handover the Key and the Administration of Arulmighu Muthualamman Koil situated in Virattipathu Village, Madurai West Taluk, Madurai District to the petitioners for the purpose of conducting all poojas and annual Vaikasi Festival falling from 05.06.2018 to 13.06.2018 and also the periodical festivals of the Temple as per the customs of the village by considering the representation dated 9.4.2018 sent by the Petitioners.

(In Both Writ Appeals)

For Appellant : Mr.S.Manohar

For R-1 to R-3: Mr.N.Nagendran

For R-4 & R-5 : Mrs.J.Padmavathi Devi,
Special Government Pleader

COMMON JUDGMENT

[Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.]

The writ appeals have been filed by the appellant / the third respondent, who is the Fit Person-cum-Executive Officer of Arulmigu Sri Muthalamman Thirukoil, Virattipathu, Simmakal, Madurai, challenging the interim orders passed by the learned single Judges dated 26.04.2018 and 28.06.2018 in W.P(MD)No.9662 of 2018.

2. The writ petition was filed by the respondents 1 to 3 herein, who claims to be the Hereditary Trustees of Arulmigu Sri Muthalamman Thirukoil, Virattipathu, Simmakal, Madurai, for issuance of Writ of Mandamus, directing the Commissioner and Joint Commissioner, HR & CE and also to the Fit Person to hand over the key and administration of the temple, for the purpose of performing poojas and the annual Vaikasi Festival etc.

3. In the said writ petition, W.M.P(MD)No.8908 of 2018 was filed for interim direction, forbearing the respondents 1 to 3 from conducting any yearly Vaikasi Festival of the temple and in which an order was passed as prayed for. There was yet another interim order passed for handing over the key and administration of the temple on or before 04.07.2018 and report compliance of the same before this Court.

<https://hcservices.courts.gov.in/hcservices/> by the above said two orders, the present writ appeals are preferred.



5. We have heard the submissions made on either side and perused the materials placed before us.

6. It is pointed out that earlier there was a suit filed by the first and third respondent along with the father of the second respondent in O.S.No.557 of 2000 on the file of the Principal Sub-Court, Madurai, praying for declaration, wherein the civil Court, by setting aside the order passed by the defendants dated 08.01.1999 and 14.12.1999, declared that the plaintiffs are the Hereditary Trustees of the above said temple, As the second plaintiff in the suit died, his son namely, Vannian Kothandaraman has been declared as the Hereditary Trustee representing the said group. Challenging the said order, an appeal was preferred by the Fit Person and the same is pending before this Court.

7. Now, the only objection raised by the learned counsel appearing for the appellant and also the learned Special Government Pleader is that the names of the Hereditary Trustees are not notified in the Government gazette.

8. In reply, the learned counsel appearing for the respondents 1 to 3 on instructions submits that the respondents 1 to 3 are ready to notify their names in the Government gazette, within a period of two weeks from today.

9. As it is admitted that the respondents 1 to 3 were declared as the Hereditary Trustees in the civil suit in O.S.No.557 of 2000 and even in the appeal preferred by the Fit Person, there is no interim order granted, this Court is of the view that there is no merit in these writ appeals and the same are liable to be dismissed.

10. In view of the above, the appellant is directed to hand over the key and administration of the temple, to the respondents 1 to 3 within a period of four weeks from today.

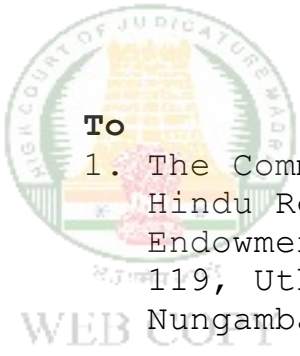
11. With the above observations, the writ appeals are dismissed. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar (CS-II)



To

1. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
119, Uthamar Gandhi Street,
Nungambakkam, Chennai - 600 034.

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
B-1 Road, Ellis Nagar,
Madurai - 625016.

+ 2 CC TO MR.S.MANO HAR, ADVOCATE IN SR NO.84963 & 84964
+ 1 CC TO MR.V.NAGENDRAN, ADVOCATE IN SR NO.84510
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO.84750
+ 1 CC TO MR.V.ANGUSAMY, ADVOCATE IN SR NO.84720

PM

BU/SKN/SAR-II : 27.09.2018 : 4P/8C

Judgment made in
W.A. (MD) Nos.783 and 1006 of 2018
17.09.2018