



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.18998 of 2018

and

W.M.P. (MD) Nos.16835 to 16837 of 2018

Kulanthaivelu

... Petitioner

vs.

- 1.The Chief Secretary,
Secretariat of Head Quarters,
Chennai.
- 2.The District Collector,
Office of the District Collector,
Trichy District.
- 3.The Commissioner,
Hindu Religious and Charitable Endowment
Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-600 034.
- 4.The Joint Commissioner,
Hindu Religious and Charitable Endowment
Department,
Thiruvanaikovil,
Neelagreeshwarar Thoppu,
Trichy-5.
- 5.The Assistant Commissioner,
Hindu Religious and Charitable Endowment
Department,
Thiruvanaikovil,
Neelagreeshwarar Thoppu,
Trichy-5.
- 6.The Tahsildhar,
Manapparai Taluk,
Trichy District.

<https://hcservices.ecourts.gov.in/hcservices/>
7.The Public Person/Executive Officer,
Arulmigu Mariyamman, Kalliyamman Thirukovil,



Situated at Arulmigu Nallandavar Thirukovil,
Manapparai,
Trichy District.

8. Palaniyappan

... Respondents

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the fifth respondent proceedings in Sa.Mu.Na.Ka.No.3855/2017/A3, dated 16.07.2018 and quash the same on the basis of this Court order dated 28.02.2018 made in W.P.(MD)No.1003 of 2018 filed by the eighth respondent and consequently directing the respondent Nos.2 to 7 not to interfering with the petitioner and other hereditary poojaris administration of Arulmigu Marriyamman, Kalliyamman Thirukovil at Vairampatti Village, Manapparai Taluk, Trichy District.

For Petitioner : Mr.R.Udhayakumar

For Respondents: Mr.A.Muthukaruppan
Additional Government Pleader
for R.1 to R.6
: Ms.Devasena
for R.7

O R D E R

The petitioner is aggrieved by the order passed by the fifth respondent appointing a fit person for the subject temple under Section 49 of the Tamil Nadu Hindu Religious and Charitable Endowment Act.

2. When the matter is taken up for hearing for admission, it is represented on behalf of the respondents that there is an effective alternative remedy available by way of an appeal under Section 63 of the Tamil Nadu Hindu Religious and Charitable Endowment Act.

3. Without exhausting the effective alternative remedy as available under the relevant Statute, the petitioner has chosen to directly approach this Court by invoking its extraordinary jurisdiction under Article 226 of the Constitution of India. Time and again, this Court consistently held that when an effective alternative remedy is available under the relevant Statute, the same has to be exhausted by the aggrieved person and it is certainly not open to the aggrieved person to tap the door of this Court directly without exhausting the effective alternative remedy as available under the relevant Statute.



4. Therefore, this Court is of the considered view that the writ petition is not maintainable and the same is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are also dismissed.

WEB COPY

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS-I)

To

1.The Chief Secretary,Secretariat of Head Quarters,
Chennai.

2.The District Collector, Office of the District Collector,
Trichy District.

3.The Commissioner, Hindu Religious and Charitable Endowment
Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-600 034.

4.The Joint Commissioner, Hindu Religious and Charitable Endowment
Department,
Thiruvanaikovil,
Neelagreeshwarar Thoppu,
Trichy-5.

5.The Assistant Commissioner,
Hindu Religious and Charitable Endowment
Department,
Thiruvanaikovil,
Neelagreeshwarar Thoppu,
Trichy-5.

6.The Tahsildhar, Manapparai Taluk, Trichy District.

+ 1 CC TO MR.R.UDHAYAKUMAR, ADVOCATE IN SR NO.81505
+ 1 CC TO SPECIAL GOVERNMENT PLEADER, IN SR NO.81654

ssl

BU/PM/SAR-I :22.10.2018 : 3P/9C