



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No. 6499 of 2017

and

W.M.P. (MD) Nos. 5091 and 5092 of 2017

Ravichandran

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments
(Admin) Department, Chennai-34.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowments
(Admin) Department, Trichy.

3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments
(Admin) Department, Trichy.

4. The Inspector,
Hindu Religious and Charitable Endowments
(Admin) Department,
Trichy East, Trichy.

5. Murugesan Chettiyar ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records in order of the 1st respondent vide his proceedings in A.P.43/2014 D2, dated 13.02.2017 and quash the same as illegal and consequently forbearing the respondent from handing over the management of the temple from the petitioner and temple committee to the fifth respondent without following any due process of law.

For Petitioner : Mr.T.Vadivelan

For R1 to R4 : Mr.M.Rajarajan

Government Advocate

For R5 : Mr.B.Chandran

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent / the Commissioner, Hindu Religious and Charitable Endowments (Admin), Chennai, in A.P.43 of 2014, appointing the fifth respondent as a hereditary trustee of Arulmigu Elangan Mariamman Temple, Crawford, Tiruchirapalli.

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2. According to the petitioner, the Commissioner, without issuing any notice to the petitioner, appointed the fifth respondent as hereditary trustee of the said temple. Hence challenging the



above said order, this Writ Petition has been filed by the petitioner.

3. Admittedly, against the impugned order, there is an alternative remedy by way of an Revision under Section 114 of the H.R. & C.E. Act, provided before the Government but, without availing the alternative remedy, the petitioner cannot file this Writ Petition, challenging the order of appointment of the fifth respondent as a hereditary trustee.

4. The learned counsel appearing for the petitioner submitted that the impugned order passed without issuing notice to the petitioner is total violation of Principles of natural justice.

5. On perusal of the order, it could be seen that originally, an application filed before the Joint Commissioner by the fifth respondent was dismissed. Challenging the same, the fifth respondent filed an appeal before the Commissioner and the same was dismissed by the Commissioner. Challenging that order, the fifth respondent said to have filed a present Writ Petition before this Court in W.P.(MD)No.33140 of 2016 and this Court, by an order dated 22.09.2016, set aside the order passed by the Commissioner and remanded the matter to the Commissioner to pass fresh order. In all those proceedings the writ petitioner was not a party and he did not take any steps to impleade him as a party, now after a favourable order passed in favour of the fifth respondent, he has filed the present Writ Petition, alleging that no notice was issued to him.

6. In the above circumstances, this Writ Petition is liable to be dismissed and accordingly dismissed. If the petitioner has any grievance over the order passed by the first respondent, it is always open to him to work out his remedy in a manner known to law. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub-Assistant Registrar

To

1.The Commissioner,

Hindu Religious and Charitable Endowments

(Admin) Department, Chennai-34.

2.The Joint Commissioner,

Hindu Religious and Charitable Endowments (Admin) Department,
Trichy.

3.The Assistant Commissioner,

Hindu Religious and Charitable Endowments (Admin) Department,
Trichy.

4.The Inspector,

Hindu Religious and Charitable Endowments (Admin) Department,
Trichy East, Trichy.

+One cc to Mr.T.Vadivelan, Advocate, SR.No.42696

+One cc to The Special Government Pleader, SR.No.42851

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+One cc to Mr.G.Ramadurai, Advocate, SR.No.42811

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RL/8C/2P/CVC/SAR2/13/3/2018

W.P.(MD)No.6499 of 2017(1/2)

17.01.2018