

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.19634 of 2008

A/M Subramaniaswamy Thirukkoil @
Subbarayar Koil
Singapuri, Vizhapallam
Kurinjpadi by its trustee M.Subramanian

.. Petitioner

-vs-

1. The Commissioner
Hindu Religious & Charitable
Endowments Board
Nungambakkam High Road
Chennai 600 034
2. The Executive Officer
A/M Subramaniaswamy Thirukoil @
Subbarayar Koil
Singapuri, Vizhapallam
Kurinjpadi

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records, quash the order passed in S.R.No.15674/2008 N2 dated .7.2008 (4.7.2008) passed by the first respondent and consequently direct the first respondent to withdraw the appointment of Executive Officer for A/M Subramaniaswamy Thirukkoil @ Subbarayar Koil, Singapuri, Vizhapallam, Kurinjpadi, Cuddalore Taluk, Cuddalore District.

For Petitioner :: Mr.D.Baskar

For Respondents :: Mr.M.Maharaja
Special Government Pleader

ORDER

This writ petition has been filed questioning the correctness of the impugned order dated 4.7.2008 refusing to recall the Executive Officer appointed in Arulmighu Subramaniaswamy Thirukkoil alias Subbarayaar Koil, Singapuri, Kurinjipadi, Cuddalore District, on the ground that the Arulmigu Subramaniaswamy Thirukoil in Singapuri has been declared as the denomination temple belonging to the members of Sengundha Mudaliar community of Vizhapallam, by a judgment and decree dated 23.1.2007 passed in O.S.No.180 of 2006 by the learned Additional District Munsif, Cuddalore and the said decree was also confirmed by the first appellate Court. In view of the dismissal of the appeal suit filed by the first respondent, the Executive Officer, second respondent herein cannot continue in the said post representing Arulmighu Subramaniaswamy Thirukkoil, Singapuri, Kurinjipadi.

2. Mr.M.Maharaja, learned Special Government Pleader for the respondents, fairly agreeing to the first part of the submission that the suit filed by the petitioner before the learned Additional District Munsif, Cuddalore seeking a declaration that the suit temple, namely, Arulmighu Subramaniaswamy Thirukkoil is a denomination temple, has been decreed and that the appeal suit filed against the said decree also was dismissed, again further stated that the Executive Officer, the second respondent herein is not continuing. However, he sought liberty to prosecute the appeal, which was dismissed for non prosecution, on merits by filing appropriate application.

3. That liberty always remains intact with the respondents. In view of the fact that Arulmighu Subramaniaswamy Thirukkoil alias Subbarayaar Koil, Singapuri, Kurinjipadi has been declared as a denomination temple, recording the statement made by the learned Special Government Pleader that the second respondent is not continuing as Executive Officer of the said temple after the judgment and decree passed by the learned Additional District Munsif, Cuddalore, which has been confirmed by the first appellate Court, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ss

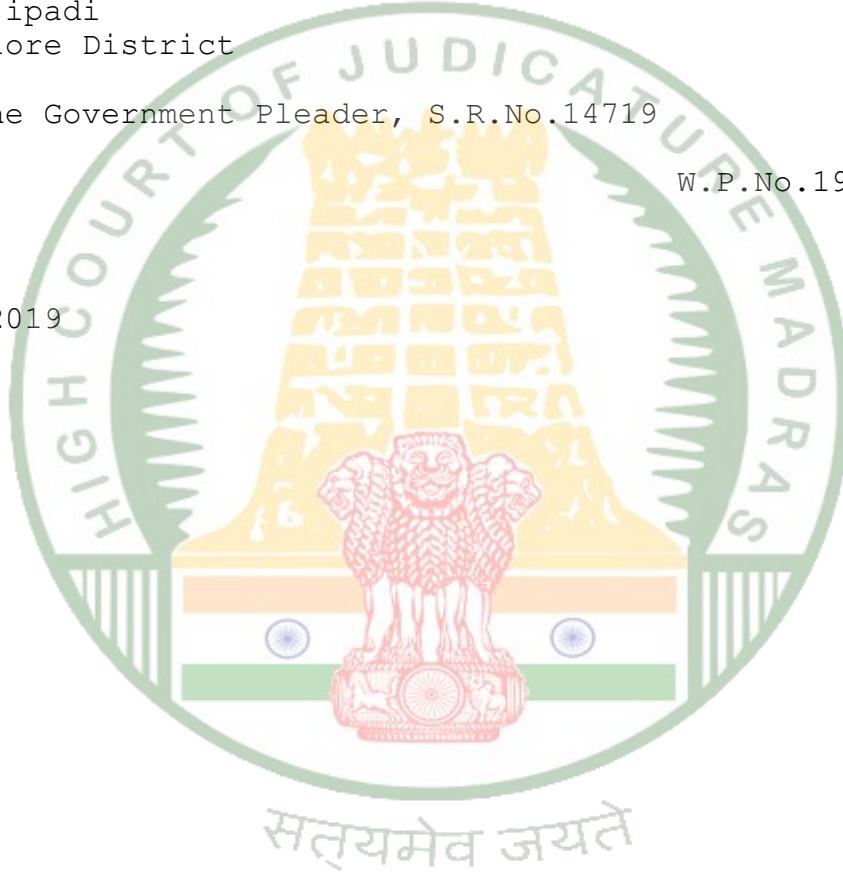
To

1. The Commissioner
Hindu Religious & Charitable
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Nungambakkam High Road
Chennai 600 034
2. The Executive Officer
A/M Subramaniaswamy Thirukoil @
Subbarayar Koil
Singapuri, Vizhapallam
Kurinjpadi
Cuddalore District

+1cc to the Government Pleader, S.R.No.14719

W.P.No.19634 of 2008

VGII(CO)
CS/15/03/2019



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