

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P. No. 23242 of 2019
and
W.M.P. No. 22932 of 2019

Mrs. Vijaya Samundeeswari

...Petitioner

Vs.

1. The Secretary to Government,
Tourism, Culture and
Endowment Department,
Fort St. George, Chennai.
2. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam, Chennai - 600 034.
3. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Villupuram.
4. The Assistant Commissioner/
Executive Officer,
Arulmighu Angalamman Thirukoil,
Melmalayanur, Villupuram District.
5. Arulmighu Angalamman Thirukoil,
Rep. by its Board of Trustees,
Melmalayanur,
Villupuram District.

...Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration, declaring the order of the Third Respondent dated 24.05.2019 made in O.A. No. 3/2012 as null and void and ultra virus of the Constitution of India and direct the Third Respondent to permit all women of the 7 Kothus to vote in the Board of Trustee election of Arulmighu Angalamman Temple, Melmalayanur.

For Petitioner : Mr. V. Manisekaran

For Respondents : Mr. M. Maharaja
Special Government Pleader (HR & CE)

O R D E R

When it is pointed out by Mr. M. Maharaja, Learned Special Government Pleader, who takes notice to the Respondents, that the Petitioner has got an effective alternative remedy for seeking the relief claimed in this Writ Petition by making an application under Section 64(5) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, to modify the scheme for the administration of the Temple of the Fifth Respondent, which is in force, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to resort to the aforesaid procedure and has made an endorsement to that effect, which is recorded.

2. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. The time spent by the Petitioner in prosecuting this Writ Petition from the date of its filing (01.08.2019) till the date of receipt of copy of this order, shall stand excluded while calculating the period of limitation for making application before the competent authority. It is needless to add here that if such an application is made and is otherwise in order, the competent authority after affording full opportunity of hearing to the parties concerned in consonance with the principles of natural justice and the prescribed procedure shall consider the each of the contentions raised by them in such application and pass a reasoned order on merits in accordance with law and communicate the decision taken to them. Consequently, connected Miscellaneous Petition is also closed. No costs.

-s/d-

Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

may a

To

1. The Secretary to Government,
Tourism, Culture and Endowment
Department,
Fort St. George, Chennai.

2. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam, Chennai - 600 034.

3. The Joint Commissioner,
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4. The Assistant Commissioner/
Executive Officer,
Arulmighu Angalamman Thirukoil,
Melmalayanur, Villupuram District.

+1 CC to Mr.V.Manisekaran, Advocate sr 68600.

+1 CC to Govt. Pleader sr 68712.

W.P. No. 23242 of 2019

NR(CO)
SP(19/08/2019)



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