



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.19136 of 2019

and

W.M.P. (MD) .No.15492 of 2019

T.Mahalingam ... Petitioner

vs.

1.The Commissioner,
Hindu Religious Charitable Endowment Board,
Chennai.

2.The Joint Commissioner,
Hindu Religious Charitable Endowment Board,
Trichy.

3.The Assistant Commissioner,
Hindu Religious Charitable Endowment Board,
Trichy-5.

4.The Inspector,
Hindu Religious Charitable Endowment Board,
Mannachanallur, Trichy East,
Trichy.

... Respondents

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 second Respondent by his proceedings in Na.Ka.No.6531/2019/A1 dated 08.08.2019 and quash the same as illegal and consequently forbearing the respondents from changing the character of the Arulmighu Sri Aladi Neelamega karuppu Temple, situated at Appathurai Village, Lalgudi Taluk, Trichy district, till the disposal of OA.No.2 of 2019 on the file of the second respondent.

For Petitioner

: Mr.T.Lenin Kumar

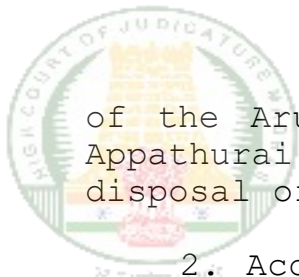
For Respondent

: Mr.V.R.Shanmuganathan

Special Government Pleader

O R D E R

The writ petitioner challenged the proceedings of the Joint Commissioner, dated 08.08.2019 in Na.Ka.No.6531/2019/A1 and consequently forbearing the respondents from changing the character



of the Arulmighu Sri Aladi Neelamega karuppu Temple, situated at Appathurai Village, Lalgudi Taluk, Trichy district, till the disposal of OA.No.2 of 2019 on the file of the second respondent.

2. According to the petitioner, their family belongs to Munsif Vagaiyara and they are the administrators of the deity of 'Arulmighu Sri Aladi Neelamega Karuppu Temple'. Other than them no other person is entitled to have any rights to perform poojas and performing the administration of the temple. Since the same was disturbed by the third parties, they have filed a petition before the second respondent under Section 64 (1) of the Hindu Religious Endowment and Charitable Act, to frame a scheme. During the pendency of the scheme, they filed a representation to the second respondent not to change the nature of the temple which under their administration. Since no order was passed, they filed W.P.(MD) No.12927 of 2019 before this Court. By order, dated 07.06.2017 this Court passed the following order:

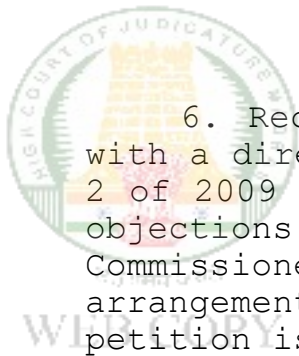
"Considering the factual matrix and the relief sought for herein, this Court is inclined to pass the following order:-

The second respondent shall consider the representation of the petitioner, dated 28.05.2019 and accordingly, decide the issue as to the character of the said temple and in this regard, if necessary, personal hearing can also be given to the petitioner and other stakeholders and ultimately, the second respondent shall pass orders on the issue on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order".

3. Pursuant to the order passed by this Court, the second respondent has passed the impugned order and as directed by this Court he has formed a committee consists of all stakeholders pending disposal of the O.A. No.2 of 2019 filed by the petitioner. The petitioner has now approached this Court with the grievance that no representation is given to Munsif Vagaiyara while forming the committee.

4. On instructions, the learned Additional Government Pleader submitted that one S. Murugesan and S. Natarajan who belong to Munsif vagaiyara are included in the committee as members. Therefore, the grievance of the petitioner is misconstrued and baseless.

5. After getting instructions, the learned counsel appearing for the petitioner also agreed that 2 persons belong to the Munsif vagaiyara represent their branch and that he has no grievance.



6. Recording the submission, the writ petition is disposed of with a direction to the second respondent to dispose of the O.A. No. 2 of 2009 as expeditiously as possible. The petitioner can make all objections and establish his rights before the 2nd respondent/Joint Commissioner without prejudice to his rights over the temporary arrangement. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Commissioner,
Hindu Religious Charitable Endowment Board,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious Charitable Endowment Board,
Trichy.
- 3.The Assistant Commissioner,
Hindu Religious Charitable Endowment Board,
Trichy-5.
- 4.The Inspector,
Hindu Religious Charitable Endowment Board,
Mannachanallur, Trichy East,
Trichy.

+1 CC to M/s.T. LENIN KUMAR, Advocate SR-90780.

W.P. (MD) No.19136 of 2019

30.09.2019

CS (24.10.2019) 3P 5C