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W.A.(MD)No.943 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **19.09.2019**

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD)No.943 of 2019

and

C.M.P. (MD)No.8553 of 2019

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Administration Department,
Madurai-1.

2.The Deputy Commissioner,
Arulmigu Pandi Muneeswarar Temple,
Melamadai, Madurai.

... Appellants/Respondents/
Respondents

Vs.

R.Saravanapandian

...Respondent/Petitioner/
Writ Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letter Patent Act, to set aside the interim order dated 25.07.2019 in W.M.P.(MD) No.11414 of 2019 in W.P.(MD)No.11233 of 2017 on the file of this Court.

Prayer in WP(MD) . 11233/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorari calling for the records pertaining to the impugned order passed by the 2nd respondent impugned order dated 16.03.2017 vide Na.Ka.No.12/2017/AA1 and quash the same.

For Appellants	: Mr.V.R.Shanmuganathan Special Government Pleader
For Respondent	: Mrs.J.Anandhavalli

JUDGMENT

[Judgment of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.K.Muthu Ganesa Pandian, learned counsel appearing for the appellant and Mrs.J.Anandhavalli, learned counsel for the respondents. By consent of both parties, this writ appeal is taken up for final disposal.



2. This appeal by the Hindu Religious and Charitable Endowments Department is directed against the order made in an interim application filed by the respondent in W.M.P.(MD)No.11414 of 2019 in W.P.(MD)No.11233 of 2017, dated 25.07.2019.

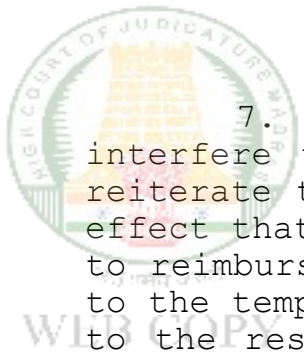
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3. The learned Single Bench taking note of the direction issued by the Hon'ble Supreme Court in a case filed by one P.Seethalakshmi had extended the benefit of the similar interim direction by directing that the writ petitioner will be at liberty to utilise upto half of the collected amount (plate collection) for the concerned day's service, if she has so performed, subject to giving an undertaking that if the petitioner loses the litigation, she has to reimburse the aforesaid amount to the Temple. Such an undertaking has to be given to the Executive Officer concerned.

4. This direction issued by the Hon'ble Supreme Court has been taken note and accordingly, the miscellaneous petition has been disposed of on similar lines. It is the submission of the learned Special Government Pleader appearing for the appellants that the case of P.Seethalakshmi is quite different and distinct from that of the case with regard to the respondent / writ petitioner. It is the submission of the learned Special Government Pleader that the said P.Seethalakshmi has filed a suit before the civil Court challenging the proceedings issued by the Hindu Religious and Charitable Endowments Department stating that the plate collection received by the Poojaries have also to be put into the Hundial and out of the total Hundial collection, 50% will be paid to the Poojaries, who perform rituals in the said temple. The Department appears to have filed applications before the civil Court to strike down the plaint and set aside the order passed by the Civil Court issuing certain directions. These applications have been allowed and against which the said Seethalakshmi has filed SLP before the Hon'ble Supreme Court, in which an interim direction has been passed.

5. The apprehension of the learned Special Government Pleader is that there are other Poojaries, who will also approach this Court for the similar directions. In our considered view, the learned Single Bench had taken note of the contentions advanced and borne in mind the interest of the temple and also observations / directions issued by the Hon'ble Supreme Court.

6. Mrs.J.Anandavallai, learned counsel for the respondent submitted that 50% of the plate collection is required to be paid to the respondent / writ petitioner for the concerned day's service and he has also executed an affidavit of undertaking and submitted the same to the Executive Officer concerned. She submitted that till date 50% of the amount has not been disbursed to the writ petitioner. Probably because the appeal has been filed by the appellants, the payment has not been effected.



7. In the light of the submission, we do not propose to interfere with the order passed by the learned Single Bench, but reiterate the observations made by the Hon'ble Supreme Court to the effect that in the event the writ petitioner is unsuccessful, he has to reimburse the said amount received by him during the said period to the temple. However, the appellants shall pay 50% of the amount to the respondent within a period of two weeks from the date of receipt of a copy of this order. With the above observation, this writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Administration Department,
Madurai-1.

2.The Deputy Commissioner,
Arulmigu Pandi Muneeswarar Temple,
Melamadai, Madurai.

+1 CC to M/s.J.ANANDHAVALLI, Advocate SR-87790.

ORDER MADE IN
W.A. (MD) No.943 of 2019
19.09.2019

CS(26.09.2019) 3P 4C