



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2020

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THE HONOURABLE **MR. JUSTICE G.R. SWAMINATHAN**

W.P. (MD) No. 8090 of 2020

and

W.M.P. (MD) Nos. 7516 & 7517 of 2020

Geethanjaly Mills Ltd.,
through its Prop.P.R.Rama Subramaniya Raja,
S/o.Ramasamy Raja,
Post Box No.6, Sri Gomathipuram,
Sankarankovil,
Tirunelveli Distirct.

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Board,
Tirunelveli.

2.The Assistant Commissioner / Executive Officer,
Arulmigu Sankara Narayana Swamy Thirukovil,
Sankarankovil, Tenkasi District.

3.K.Chelladurai

4.P.Arumugam

... 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 in Na.Ka.No.262/2019/A6, dated 08.04.2020 of the second respondent and quash the same and consequently direct the respondents 1 and 2 to accept and enforce the charity attached with first day the Chithirai Festival by the petitioner in the second respondent Temple.

For Petitioner : Mr.H.Arumugam

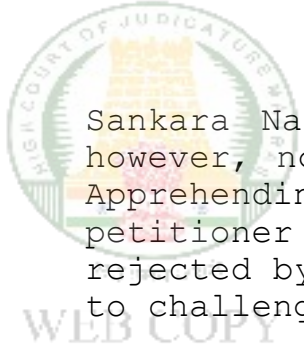
For R1 & R2 : Mr.K.P.Narayanakumar,
Special Government Pleader.

For R3 : Mr.A.L.Kannan

For R4 : Mr.S.Srinivasaragavan

ORDER

Heard the learned counsel on either side.



Sankara Narayanar Thirukovil, Sankarankovil. The petitioner was, however, not allowed to perform the said charity in the year 2019. Apprehending that they would be denied for the year 2020 also, the petitioner submitted a representation on 20.02.2020. The same was rejected by the impugned order dated 08.04.2020. The said order put to challenge in this writ petition.

3.The petitioner's counsel submitted that for the last several decades, the petitioner's mill has been performing the said kattalai. In the typed-set of papers, the communication issued by the temple right from the year 1997 has been enclosed. The petitioner has been remitting the kattalai amount and the same has also been accepted. The petitioner would lay blame on the third respondent for denial of right to perform this kattalai in the year 2019. The petitioner's counsel drew my attention to the fact that when another community member filed a writ petition before this Court, this Court had dismissed the writ petition by relegating him to move the alternative forum. According to the petitioner's counsel the order dated 10.04.2019 made in W.P.(MD)No.8641 of 2019 could not have come in way of considering or accepting the petitioner's request, because petitioner's right has never been challenged or doubted.

4.This stand of the petitioner is controverted by the learned Special Government Pleader appearing for the first and second respondent and the learned counsel appearing for the fourth respondent.

5.Allegations have been made against the person who was the Assistant Commissioner / Executive Officer during the relevant time and he has been named in person.

6.The learned counsel for the third respondent submitted that the allegations made against the third respondent are unfair and false.

7.I make it clear that it is not necessary to go into the said allegations made by the petitioner against the third respondent, for the purpose of disposal of this writ petition. I make it clear that merely because they have not gone into that would not cast any aspersion on the third respondent in any manner.

8.The learned counsel appearing for the fourth respondent contested the claim of the writ petitioner that they have the right to perform Kattalai in question.

9.Since triable issue has been raised before me, I am of the view that the issue has to be necessarily decided only by the concerned authority namely, the Joint Commissioner, Hindu Religious and Charitable Endowments Board, Tirunelveli. Section 63(e) of the Hindu Religious and Charitable Endowments Act confers jurisdiction on the Joint Commissioner to decide such issue.



10.The learned counsel for the petitioner states that the petitioner will file a petition in this regard, before the first respondent within a period of two weeks from the date of receipt of a copy of this order. In the said original application, the petitioner will make the fourth respondent and other stake-holders as party.

11.The first respondent has to necessarily dispose the original application, on merits and in accordance with law, within a period of sixteen weeks. The first respondent must bear in mind that the issue must be given quietus before the commencement of the next summer festival.

12.I make it clear that I have not gone into the merits of the case. All the contentions of the petitioner as well as the fourth respondent are left open.

13.The writ petition stands disposed of, accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Board, Tirunelveli.

2.The Assistant Commissioner / Executive Officer,
Arulmigu Sankara Narayana Swamy Thirukovil,
Sankarankovil, Tenkasi District.

+1 CC to M/s.H. ARUMUGAM, Advocate (SR-16015[F] dated 04/09/2020)

+1 CC to M/s.GP (SR-16118[F] dated 07/09/2020)

W.P. (MD)No.8090 of 2020
03.09.2020