



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P. (MD) .No.7223 of 2019

and

W.M.P. (MD) Nos.22399 & 20917 of 2019

WEB COPY

Chockalingam

... Petitioner

Vs.

- 1) The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Ellis Nagar, Madurai, Madurai District.
- 2) The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Dindigul, Dindigul District.
- 3) The Inspector,
Hindu Religious and Charitable Endowment Board,
Melur, Madurai District.
- 4) Subbaiah
- 5) Karuppanan
- 6) Perialaganan
- 7) Andiappan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records from the respondent in his proceedings O.A.No.1 of 2017 dated 02/01/2019 and quash the same as illegal and arbitrarily and consequently direct the respondents do not interfere with the petitioner's peaceful management and conducting the Pooja to Sri Arulmigu Solkelaveeransamy temple situated at Reddiapatti village, Natham Taluk, Dindigul district.

For Petitioner : Mr.G.Gomathi Sankar

For RR 1 to 3 : Mr.VR.Shanmuganathan,
Special Government Pleader

For RR 4 to 7 : Mr.K.Vinayagam



O R D E R

The writ petition is filed challenging the order of the Joint Commissioner, Hindu Religious and Charitable Endowment Board, who is the first respondent herein.

2. The order challenged in the writ petition is a Draft Scheme dated 02.01.2019, which was confirmed. However, it is to be seen that while passing such an order, the petitioner herein, who is also having a right, was not put on notice. Even in the cause list, under the column '*respondent*', it is shown as '*nil*'.

3. The only grievance of the petitioner is that, before the Draft Scheme was confirmed, the respondents should have issued a notice and heard the petitioner.

4. The learned Special Government Pleader appearing for the official respondents as well as the learned counsel appearing for the private respondents 4 to 7, though stated that the Scheme is not one-sided and it is a neutral one benefitting all the Pangalis of the family, however, being an *ex parte* order, it would be proper if the petitioner is also heard before the Draft Scheme is confirmed.

5. Accordingly, the order of the first respondent dated 02.01.2019 is set aside and remanded back to the file of the first respondent. The first respondent is directed to issue notice to the petitioner as well as to the other interested parties under the claim of the Scheme, as per the original Scheme dated 09.12.1959 and after affording an opportunity of personal hearing to all the concerned parties, appropriate orders may be passed. The above said exercise should be completed within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



To:

- 1) The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Ellis Nagar, Madurai, Madurai District.
- 2) The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Dindigul, Dindigul District.
- 3) The Inspector,
Hindu Religious and Charitable Endowment Board,
Melur, Madurai District.

+1 CC to MR.K.VINAYAGAN, Advocate (SR-3017[F] dated 24/01/2020)

+1 CC to MR.G.GOMATHI SANKAR, Advocate (SR-3074[F] dated 27/01/2020)

+1 CC to SPL.GP, Advocate (SR-3114,3371[F] dated 27/01/2020)

Order made in
W.P. (MD) .No.7223 of 2019

Dated:
24.01.2020

KM/(04.03.2020) 3P 7C