



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 4229 of 2017 and

WMP (MD) Nos. 3372 & 3373 of 2017

WEB COPY

Rebello

... Petitioner

Vs.

1. The Commissioner,
Hingu Religious and Charitable Endowments Department,
Chennai - 600 034.

2. The Joint Commissioner,
Hindu Religious Charitable Endowments Department,
Madurai.

3. The Deputy Commissioner/
Executive Officer,
Arulmigu Pandimuneeswarar Temple,
Melamadaï,
Madurai North Taluk,
Madurai District.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent in Na.Ka.No.3802/2001/A1, dated 06.03.2017, quash the same.

For Petitioner : M/s.J.Anandhavalli

For Respondents : For R1 to R3 - Mr.V.R.Shanmuganathan,

O R D E R

Heard the learned counsel for the Writ Petitioner and the learned Special Government Pleader for the respondents 1 to 3.

2. The subject matter pertains to the affairs of Arulmigu Pandimuneeswarar Temple. The said temple was founded by one Mahamuni. The said Mahamuni had as many as five wives. Though the other wives had children, his second wife Saroja ammal was issueless. Dispute arose regarding the exercise of Poojari rights. The learned counsel for the petitioner states that the matter was eventually compromised in OS No.257 of 2007 on the file of II Additional Sub Court, Madurai, as the legal heirs had agreed that the turn of Sarojaammal will be performed by the Writ petitioner Rebello. But then in the year 2012, a petition was received from one Veerapandian. Taking note of the said objection raised by Veerapandian, an order dated 30.04.2012 was passed. Rebello was



permitted officiate as Poojari on daily wages basis. While so, the second respondent herein proceeded to pass the impugned order dated 06.03.2017, fixing daily wages of the Writ petitioner Rs.500/-. The said order was challenged by Veerapandian and subsequently the Writ Petition was withdrawn by the said Veerapandian. It is stated that filing of O.S.No.435 of 2011 Veerapandian triggered these interim arrangements. The order fixing daily wages of the Writ petitioner challenged on the ground that the petitioner chose to accept the order dated 30.04.2012 only as a temporary measure pending disposal of OS.No. 435 of 2011 on the file of District Munsif, Melur.

3.The petitioner apprehends that on account of the order dated 06.03.2017, the petitioner's status as hereditary trustee or Poojari may be taken away. Since the order dated 06.03.2017 is only in line with the earlier order dated 30.04.2012, I am of the view that no interference is called for. At the same time, I must clarify that the order dated 06.03.2017 will in no way take away or affect the rights which the petitioner may have. In other words, the petitioner's claim as hereditary trustee/poojari of the said temple will not be affected merely because of passing of the order dated 06.03.2017 by the second respondent herein. I am not inclined to interfere for the reason that it is in continuation of the earlier order dated 30.04.2012. If the order dated 30.04.2012 gets itself worked out, automatically the order dated 06.03.2017 will go as a consequence. I also permit the petitioner to move the authority concerned for recall of the order dated 30.04.2012 or the order dated 30.04.2012 is recalled, the consequential order dated 06.03.2017 will also gets recalled as a consequence.

4.With these observations, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

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 Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai - 600 034.

2.The Joint Commissioner,
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Madurai.

3.The Deputy Commissioner/
Executive Officer,
Arulmigu Pandimuneeswarar Temple,
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Madurai District.

+1 CC to M/s.J. ANANDHAVALLI, Advocate (SR-13709[F] dated
06/08/2020)

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(2/3)

AP(28/08/2020) 3P 5C