



WEB COPY

W.P.(MD).No.11988 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.11988 of 2017

and

W.M.P. (MD) .No.9217 of 2017

V.Subramanian

...Petitioner

Vs.

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

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments
Department, Madurai, Madurai District.

3.The Executive Officer,
A/m. Sundara Mahalinga Swami Thiurkovil,
Sathuragiri, Peraiyur Taluk,
Maduarai District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings Se.Mu.Na.Ka.No.308/2017-5/Aa1, dated 06.06.2017 signed on 14.06.2017 passed by the second respondent and quash the same.

For Petitioner	: Mr.M.Suresh
For R-1 & R-2	: MrV.R.Shanmuganathan Special Government Pleader
For R-3	: Mr.S.Manohar

ORDER

Heard the learned counsel on either side.

2.The petitioner is the hereditary trustee of the subject Temple. He challenges the order of the second respondent appointing a fit person for the Temple. It is seen that the petitioner was not put on notice before passing the impugned order. In view of the grant of an interim stay by this Court, when it entertains the Writ Petition, the fit person also has not even assumed charge. The order impugned in the Writ Petition stands quashed on violation of the principles of natural justice. Liberty is given to the second respondent to pass orders afresh in accordance with law. I make it clear that I have not gone into the merits of the case.



3.The Writ Petition stands allowed on these terms. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (crl.side)

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/ /2020

Sub Assistant Registrar(CS)

Tsg

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
Department, Madurai, Madurai District.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments
Department, Madurai, Madurai District.
- 3.The Executive Officer,
A/m. Sundara Mahalinga Swami Thiurkovil,
Sathuragiri, Peraiyur Taluk,
Maduarai District.

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KB(21.07.2020) 2P 4C