

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

Writ Petition No.8540 of 2021
and WMP No.9104 of 2021

R.Jayakumar

.. Petitioner

Vs

1 The Commissioner
Hindu Religious and Charitable Endowments
Department No.119 Uthamar Gandhi Salai
Nungambakkam Chennai-600 034

2 The Joint Commissioner
Hindu Religious and charitable Endowments
Department Mayiladuthurai Division
Sitharkaadu Mayiladuthurai District

3 The Fit Person
A/m.Ayyanar Vazhikariyan Lada sanyasi Temple
Vazhavur village Kuthalam Taluk
Mayiladuthurai District
Also the Fit Person /Executive officer
A/m Veerateswaraswamy Temple,
Vazhavur village Kuthalam Taluk
Mayiladuthurai District

4 T.Rajalingam
S/o.Thangavelu Kizhaveedhi Vazhavur
Kuthalam Taluk Mayiladuthurai District

5 K.Pandian
S/o.Kannappan 51 Subramaniapuram
Mayiladuthurai District

6 N.Manivannan
33 Om Sakthi Nagar Nallathukudi village
Mayiladuthurai District

7 N.Gandhimathinathan
33 Om Sakthi Nagar Nallathukudi village
Mayiladuthurai District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus forbearing the Respondents 1 to 3 from initiating any action in furtherance of to the orders dated 26.2.2021 of the 2nd Respondent made in Se.Mu.Na.Ka.Nos.6520 / 2018 -1 / A1 and Se.Mu.Na.Ka.Nos.6520 / 2018 - 2/A1 till the disposal of the appeal in A.P.R.C.No.15846/2021 dated 22.3.2021 on the file of 1st Respondent.

For Petitioner : Mr.V.Srikanth
For Respondents : Mr.R.P.Prathap Singh
Government Advocate - R1 to R3

O R D E R

Mr.R.P.Prathap Singh, learned Government Advocate accepts notice for the Commissioner and the Joint Commissioner of Hindu Religious and Charitable Endowments Department as well as the Fit Person of Arulmigu Ayyanar Vazhikariyan Lada Sanyasi Temple and Arulmigu Veerateswaraswamy Temple, Vazhuvur Village, Kuthalam Taluk, Mayiladuthurai District (temples in question)/R1 to R3 and is armed with instructions to proceed with the matter finally even the stage of admission. Hence, the Writ Petition is disposed finally even at this stage. In the light of the order that is to be passed in this matter, there is no necessity to issue notice to the private respondents/R4 to R7.

2. The petitioner prays for a mandamus forbearing the official respondents from initiating any action in furtherance to order dated 26.2.2021 passed by R2. He states that he is the hereditary trustee of the temples in question and has been removed from the said post, which is patently incorrect and contrary to law.

3. Since statutory appeal has been filed bearing A.P.No.15 of 2021, pending before the Commissioner/R1 and the learned counsel for the petitioner states that the petitioner has filed an application for interim protection along with the appeal, I express no opinion on the merits of the matter or the existence of the prima facie case, if any.

4. Suffice it to say that the application for interim protection which has been filed by the petitioner along with the appeal on 22.03.2021, will be taken up for hearing and disposed in accordance with law after hearing the petitioner as well as the private respondents and any other persons whom R1 may deem necessary, either over video conference or physically as may be mutually convenient to the parties, to be intimated to the parties sufficiently in advance, within a period of four (4)

weeks from today. Till such time, there shall be an order of interim stay of order dated 26.02.2021.

5. The Writ Petition is disposed as above. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS VII)

/TRUE COPY/

Sub-Assistant Registrar

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To

- 1 The Commissioner
Hindu Religious and Charitable Endowments
Department No.119 Uthamar Gandhi Salai
Nungambakkam Chennai-600 034
- 2 The Joint Commissioner
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सत्यमेव जयते

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PL(CO)
KKN 27.04.2021

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