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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2021

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.NO.18875 OF 2021

AND

W.M.P.NO.20148 OF 2021

Sreenivasa Ranga Battar,
S/o.Raju Narayan Battar,
Battachariar,
Arulmigu Parimalarengaathar Temple,
Thiruindhalur, Myiladuduriai Taluk,
Nagapattinam District.

... Petitioner

.Vs.

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Myiladudurai.
2. The Assistant Commissioner/Thakker,
Arulmigu Parimalarenganathar Temple,
Thiruindhalur, Myiladudurai Taluk,
Nagapattinam District.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records and quash the impugned order dated 12.08.2021 in Appeal No.02/2017/C1 on the file of 1st respondent and direct the 1st respondent to conduct the enquiry in respect of the missing Idol and Silver Padichattam with other servants and battachariar of the Arulmigu Parimalarenganathar Thirukoil at Thiruindalur, Myiladudurai.

For Petitioner : Mr.S.Veeraraghavan

For Respondents : Mr.NRR.Arun Natarajan
Government Advocate



O R D E R

Captioned writ petition arises under the 'The Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act No.22 of 1959)', which shall hereinafter be referred to as 'TN HR&CE Act' for the sake of convenience and clarity.

2. Mr.S.Veeraraghavan, learned counsel on record for writ petitioner is before this Virtual Court and Mr.NRR.Arun Natarajan, learned State counsel accepts notice on behalf of both respondents, with the consent of learned counsel on both sides main writ petition is taken up, as the matter turns on a very narrow compass and short point.

3. An 'order dated 12.08.2021 (this Court is informed that this order was served on writ petitioner on 14.08.2021) bearing reference மேல்முறையீட்டு வழக்கு எண்.02/2017/C1' [hereinafter 'impugned order' for the sake of brevity] made by first respondent has been called in question. The impugned order has been made on an appeal being Statutory appeal preferred by the writ petitioner. The statutory appeal is A.P.No.2 of 2017 and it is directed against an order dated 28.04.2017 bearing reference செ.மு.ந.க.எண்.01-1424 made by the second respondent and it pertains to charges against the writ petitioner who is working in Arulmigu Parimalarenganathar Temple, Thiruindhalur, Myiladudurai Taluk, Nagapattinam District. No further suit or appeal has been provided qua the impugned order under TN HR&CE Act. Therefore, Section 21 of TN HR&CE Act, will apply. This means that the writ petitioner can file a revision against the impugned order and that revision will lie to Commissioner of TN HR&CE Act.

4. This Court finds that the subject matter pertains to as many as four charges and turns substantially on facts and therefore, this is an appropriate case to relegate the writ petitioner to alternate remedy of Statutory revision. Another reason is, no well settled exception/s to alternate remedy principle i.e., Whirlpool principle [Whirlpool Corporation Vs. Registrar of Trade Marks, Mumbai and others reported in (1998) 8 SCC 1] has been projected in the captioned writ petition.

5. Therefore, captioned Writ Petition is disposed of as closed, albeit preserving rights of writ petitioner to prefer Statutory revision under Section 21 of TN HR&CE Act. Though obvious, it is made clear that this Court has not expressed any view or opinion on the merits of the matter. In other words, all questions including questions raised in the captioned writ petition are left open to be agitated in the Statutory revision or Revisional authority to consider the same in Statutory revision if so advised and if the writ petitioner chooses to



file the same. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Myiladudurai.
2. The Assistant Commissioner/Thakker,
Arulmigu Parimalarenganathar Temple,
Thiriundhalur, Myiladudurai Taluk,
Nagapattinam District.

+1cc to Mr.S.Veeraraghavan, Advocate, S.R.No.45344

+1cc to the Special Government Pleader (HR & CE), S.R.No.45989

W.P.NO.18875 OF 2021 AND
W.M.P.NO.20148 OF 2021

NR(CO)
PBS/24/09/2021