



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.[MD]No.15290 of 2013

and

M.P(MD) .No.2 of 2013

WEB COPY

1. S.M.Muthiah Thevar
2. S.M.Muthu Irulandi
3. S.M.Sanmugam
4. S.M.Deivendran
5. S.M.Nagarajan
6. S.M.Venkateshan
7. S.M.Velu

: Petitioners

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments
Department,
Nungambakkam High Road, Chennai.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowments
Department, West Chitrai Street, Madurai.

3. R.Gurusamy @ Duraipandy
4. K.Balasubramanian
5. P.Periyasamy Thevar
6. I.S.Muthusamy Kodangi
7. K.M.Narendran
8. K.Muthu Venkatachalam
9. M.Selvam
10. M.Villayutham
11. M.Murugan
12. A.Tamilarasan

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records in R.P.111 of 2010 D2 dated 18.02.2013 on the file on the first respondent and quash the same as illegal, ultravires and against the principles of natural justice.

For Petitioner : Mr.S.Manohar

For Respondents : Mr.A.Baskaran,

Additional Government Pleader,
for R1 and R2

Mr.D.Nallathambi, for R3 to R7

Mr.P.Sivasubramanian, for R8 to R12



O R D E R

Mr.S.Manohar, learned counsel on record for the seven writ petitioners, Mr.A.Baskaran, learned Additional Government Pleader for respondents 1 and 2 (official respondents), Mr.D.Nallathambi, learned counsel on record for respondents 3 to 7 and Mr.P.Sivasubramanian, learned counsel for respondents 8 to 11 are before this Court. This Court is informed that the twelfth respondent is no more and no one is coming on record in place of the twelfth respondent. Therefore, all the parties in the captioned writ petition are represented by their respective counsel.

2. 'Arulmigu Villayuthamudaya Ayyanar Muthaiahamsy Temple at Kochadai, Madurai' (hereafter 'said Temple' for the sake of convenience and clarity) and a honour therein i.e., taking a Muthaiahamsy deity during Purattasi Festival in the 'Horse Vahanam' dedicated by predecessor of one set of parties is the central theme. O.A.No.10 of 2007 under Section 63(e) of 'the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959)' [hereafter 'TNHR&CE Act' for the sake of convenience and clarity] was filed by the writ petitioners before the second respondent in this regard. In this O.A., an interlocutory application in I.A.No.16 of 2010 seeking a direction to carry the main deity on a new Horse Vahanam was taken out, that was disposed of given quietus and thereafter, I.A.No.21 of 2010 was taken out with impleading prayer that was dismissed carried in revision before first respondent under Section 21 of TNHR&CE Act vide R.P.No.111 of 2010 which was allowed by order dated 18.02.2013 setting aside the dismissal of the implead petition and directing the second respondent to dispose of O.A.No.10 of 2007.

3. In the aforesaid backdrop, the parties who are in tussle for the honour qua said Temple submit that they have arrived at an amicable settlement as amongst themselves and they would reduce this to writing and have it recorded before the second respondent in O.A.No.10 of 2007. The second respondent shall list the matter on 08.12.2021 (Wednesday) and all private parties shall go before second respondent on that day for this purpose.

4. The aforementioned stated position of the private parties brings down the curtains on captioned writ petition. In other words, captioned writ petition is disposed of as closed recording the aforementioned stated position of the parties. Consequently,



captioned miscellaneous petition is also disposed of as closed.
There shall be no order as to costs.

Sd/-

Assistant Registrar (CS II)

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/ /2021

Sub Assistant Registrar(CS)

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To

1. The Commissioner,
Hindu Religious and Charitable Endowments
Department,
Nungambakkam High Road,
Chennai.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowments
Department, West Chitrai Street, Madurai.

+1 CC to M/s.D. NALLATHAMBI, Advocate (SR-36224[F] dated
26/11/2021)

+1 CC to M/s.S.MANO HAR, Advocate (SR-36234[F] dated 29/11/2021)

+1 CC to M/s.SPL GP (SR-36038[F] dated 26/11/2021)

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PS (CO)

SB(07.12.2021) 3P 6C