



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2021

CORAM

THE HONOURABLE MR.JUSTICE **V. PARTHIBAN**

W.P.(MD)No.4869 of 2021

K.Jegadesan,
Secretary,

Sri Pooludayar Sastha Baktharkal Sangam,
Madurai-625 002.

: Petitioner

Vs.

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

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

3.The Fit Person,
Arulmighu Pooludayar Sastha Temple,
Keelakallamparai-Thenthiruperai,
Thiruchendur Taluk,
Tuticorin District.

: Respondents

PRAYER :- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records of the third respondent's communication dated 11.02.2021 consequential to the order of the second respondent in Na.Ka.No.1694/2017 dated 03.12.2020 appointing the third respondent as the Fit Person for Sri Pooludayar Sastha Temple situated in Keelakallamparai-Thenthiruperai Village of Thiruchendur Taluk, Tuticorin District and quash the same.

For Petitioner

:Mr.R.Shreerangan

For R1 and R2

:Mr.K.P.Narayanakumar

Special Government Pleader

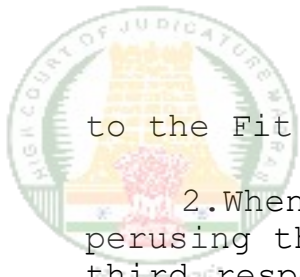
For R3

:Mr.Muthu Geethaiyan

Special Government Pleader

ORDER

The petitioner claims himself as a Secretary of Sri Pooludayar Sastha Baktharkal Sangam, a registered Society administrating the Puludayar Sastha Temple, situated at Alwarkurichi, Tiruchendur Taluk, Tuticorin District. As a Secretary of the Sangam and in-charge of the management and affairs of the Temple, he is aggrieved by the third respondent's communication, dated 11.02.2021 on the basis of the order, dated 03.12.2020 of the second respondent appointing the third respondent as a Fit Person to run the affairs of the Temple and directing the petitioner to hand over the charge



to the Fit Person appointed therein.

2. When the Writ Petition is taken up for admission, after perusing the relevant documents, this Court has pointed out that the third respondent was, in fact, appointed by the proceedings of the competent authority under the HR&CE Department, dated 19.01.2021, whereas, the petitioner has chosen to assail the consequential order 11.02.2021. In the absence of challenge to the original order, dated 19.01.2021, the Writ Petition is not maintainable. At this, the learned Counsel for the petitioner would submit that mistakenly the said order was not put to challenge and therefore, he would request this Court to grant liberty to challenge the correct order appointing the Fit Person.

3. In view of the above, this Writ Petition is dismissed as not maintainable with liberty to the petitioner to challenge the appropriate order in a manner known to law, if he is so advised. No costs. Consequently, connected miscellaneous petition is closed

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

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

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

+1 CC to M/s.SPL GP (SR-9477[F] dated 08/03/2021)

+1 CC to M/s.M.MUTHUGEETHAYAN, Advocate (SR-9603[F] dated 09/03/2021)

W.P. (MD)No.4869 of 2021
05.03.2021

SRK(CO)
KB(25.03.2021) 2P 5C