



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD)No.5334 of 2021

and

W.M.P. (MD)Nos.4276 and 4277 of 2021

WEB COPY

K.Jegadesan,
Secretary,
Sri Pooludayar Sastha Baktharkal Sangam,
Tuticorin District.

: 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

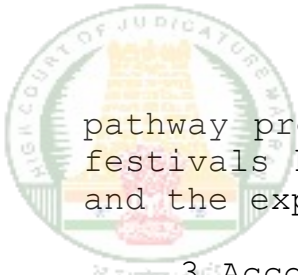
PRAYER :- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records in Se.Mu.Na.Ka.No.1694/2017/AA1/ dated 19.01.2021 made by second respondent herein appointing the third respondent as Fit person for Sri Pooludayar Sastha Temple situated in Keelakallamparai-Thenthiruperai village of Thiruchendur Taluk, Tuticorin District.

For Petitioner	:Mr.R.Shreerangan
For R1 and R2	:Mr.K.P.Narayanakumar Special Government Pleader
For R3	:Mr.M.Muthugeethaiyan Special Government Pleader

ORDER

The case of the petitioner is that he is the Secretary of Sri Pooludayar Sastha Baktharkal Sangam. The said Sangam is a registered society under the Societies Registration Act and has been administering the temple, namely, Pooludayar Sastha Temple, situated at Keelakallamparai-Thenthiruperai Village of Thiruchendur Taluk, Tuticorin District, which is a village temple.

2.According to the Sangam, there was no regular pathway providing access to the temple and the Society, after obtaining proper permission from the authorities concerned, had arranged a



pathway providing access to the temple. The daily pooja and other festivals have been conducted in accordance with the Hindu calendar and the expenses have been met by the petitioner Society.

3. According to the petitioner that the second respondent appears to have conducted an enquiry regarding the administration of the temple by the Society and that therefore, the petitioner filed a petition under Section 64(1) of the Hindu Religious and Charitable Endowments Act, 1959, before the first respondent in O.A.No.4 of 2021. According to the petitioner that since the office of the first respondent have been newly formed, the case of the petitioner has been transferred from Tirunelveli to Tuticorin District.

4. While the matter stood thus, the second respondent, on conclusion of the enquiry, had passed an order on 03.12.2020 appointing the third respondent as Fit person for the temple. According to the petitioner, the said action was taken by the second respondent due to some difference of opinion, as between two groups of people during the temple festival, which in fact, led to the conduct of the enquiry and culminated in the impugned proceedings.

5. In pursuant to the order passed by the second respondent on 03.12.2020, the petitioner appears to have preferred a revision under Section 21A of the Hindu Religious and Charitable Endowments Act, 1959, to the first respondent. The statutory revision could not be considered by the first respondent due to non availability of the first respondent, in view of the absence of infrastructure facilities to house the office. Therefore, left with no other alternative remedy, the petitioner is before this Court.

6. At the outset, this Court has expressed its disinclination to entertain the Writ Petition in view of the alternative remedy available under the provisions of the Hindu Religious and Charitable Endowments Act, 1959. The learned Counsel for the petitioner, however, submitted that the first respondent is not functioning at all due to the absence of infrastructure facilities, as the first respondent office is a newly created one and therefore, the petitioner herein has been constrained to approach this Court without being left with any other alternative remedy.

7. The learned Special Government Pleader appearing for the official respondents would submit that in fact a notice of enquiry has been ordered in the pending O.A.No.4 of 2021 and the matter was adjourned for appearance for parties on 23.02.2021. The learned Special Government Pleader produced a copy of the notice issued by the first respondent on 25.01.2021. According to the learned Special Government Pleader for the first respondent that the matter was adjourned to 23.02.2021 and that therefore the proceedings in O.A.No.4 of 2021 is being taken up for hearing in due course and that the Writ Petition may not be entertained.



8.At this, the learned Counsel for the petitioner would submit that this Court may direct the first respondent to dispose of the pending O.A.No.4 of 2021 within a time stipulated by this Court.

9.For the aforesaid reasons, the Writ Petition is disposed of with the direction as under:

"the first respondent is directed to complete the enquiry proceedings in O.A.No.4 of 2021 initiated at the instance of the petitioner and others within a period of three months from the date of receipt of a copy of this order. The first respondent is also directed to communicate the copy of the order to be passed forthwith to the Writ Petitioner."

No costs.

Sd/-

Assistant Registrar (CSII)

// 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.K.VINAYAGAN, Advocate (SR-9955[F] dated 10/03/2021)

+1 CC to M/s.SPL GP (SR-10892[F] dated 12/03/2021)

+1 CC to M/s.M.MUTHUGEETHAYAN, Advocate (SR-10767[F] dated 12/03/2021)

W.P. (MD)No.5334 of 2021
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TP (CO)
KB(16.04.2021) 3P 6C