



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.03.2021**

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

WEB COPY

W.P. (MD) No.6169 of 2021
and
W.M.P. (MD) No.4792 of 2021

R.Ravichandran

.. Petitioner

Vs

1.The Joint Commissioner,
HR & CE Board,
Sivaganga.

2.NK.PL.C.V.SP.M. Thiagarajan

3.A.Ramasamy Chettiar

4.V.Ramanathan Chettiar

5.M.Nagappa Chettiar

6.R.Mohan

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the impugned order of the 1st respondent dated 08.02.2021 in Na.Ka.No.3940/2020 Aa1 and Quash the same.

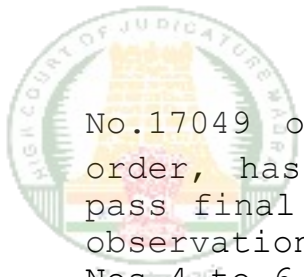
For Petitioner : Mr.R.Sundar Srinivasan

For R1 : Mr.K.P.Narayanakumar
Special Government Pleader

ORDER

The petitioner claims himself to belong to a family, who have been traditionally involved in the administration of ArulmiguKarpagaVinayagar Temple at Pillaiyarpatti, ThiruppathurTaluk, Sivagangai District, on a rotational basis. According to him, the 1st respondent has passed an order on 08.02.2021, after conducting an enquiry, allowing certain category of persons to be invited towards administration of the temple and for conducting of various temple festivals etc. The petitioner herein challenging the above proceedings is before this Court.

2.When this Court perused the impugned order, it finds that the authority, namely, the 1st respondent herein has passed the order of a directions of this Court passed in W.P.(MD)



No.17049 of 2020, dated 27.11.2020. This Court, vide a detailed order, has passed the directions, mandating the 1st respondent to pass final orders on merits within the stipulated time therein. The observations and directions of this Court as found in paragraph Nos.4 to 6 are extracted hereunder:-

4.It is the case of the petitioner that even though the Scheme decree has been passed by the second respondent on 12.02.1978, in O.A.No.74 of 1978, the said Scheme decree has not been implemented by the second respondent till date. The petitioner belongs to N.K.Family and as per the Scheme, 20 family representatives were divided into two parts for the purpose of administration among themselves on rotation basis for the Management of Arulmigu Sri Karpaga Vinayagar Temple, Pillaiyarpatti, Thiruppathur Taluk, Sivagangai District. The petitioner has given representations to the second respondent and the last such representation was given on 30.09.2020, requesting the second respondent to implement the Scheme decree passed in O.A.No.74 of 1978, dated 12.02.1978. It is the case of the petitioner that despite the representations given by him, till date the Scheme decree has not been implemented. In such circumstances, this writ petition has been filed.

5.The relief sought for in this writ petition is an innocuous relief. The petitioner claims that he belongs to one of the families, who have been given the power to manage Arulmigu Sri Karpaga Vinayagar Temple, Pillaiyarpatti, Thiruppathur Taluk, Sivagangai District, for the seventh year on rotation basis. Admittedly, a Scheme decree has also been passed by the second respondent under the Tamil Nadu Hindu Religious and Charitable Endowments Act, on 12.02.1978, whereby 20 family members were permitted to manage the aforementioned temple on rotation basis. It is also an admitted fact that till date, the same Scheme decree has not been implemented by the second respondent. No prejudice will be caused to the respondent if the representation of the petitioner, dated 30.09.2020, seeking for implementation of Scheme decree is considered by the second respondent on merits and in accordance with law and in the light of the Scheme decree, dated 12.02.1978, passed in O.A.No.74 of 1978, after hearing all the necessary parties including the third respondent herein.

6.For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation, dated 30.09.2020, seeking for implementation of Scheme decree passed in O.A.No.74 of 1978, dated 12.02.1978 and pass final orders on merits and in accordance with law, in the light of the said Scheme decree and after hearing all the necessary parties



including the third respondent herein, within a period of twelve weeks from the date of receipt of a copy of this order.

3. In view of the directions of this Court, the petitioner is estopped from challenging the impugned order, as the same was admittedly passed in pursuance of the well considered directions of this Court. From the entirety of the averments, it could be seen that the petitioner is having some apprehension in regard to proper implementation of the order.

4. In view of the above fact, this Court cannot entertain this writ petition and to say the least, the attempt by the petitioner to challenge the proceedings of the 1st respondent is an abuse of process of the Court.

5. For the above said reasons, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mm

To

The Joint Commissioner,
HR & CE Board,
Sivaganga.

+1 CC to M/s.R.SUNDAR SRINIVASAN, Advocate (SR-12389[F] dated 19/03/2021)

+1 CC to M/s.SPL GP (SR-12771[F] dated 22/03/2021)

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GS (17.05.2021) 3P 4C