



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A./MD/No.1351 of 2021

N.Chandrasekaran ...Appellant/Petitioner
Vs.
The Joint Commissioner,
Tamil Nadu Religious and
Charitable Endowment Department,
Ellis Nagar,
Madurai District. ... Respondent/Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, praying to set aside the order dated 24.02.2021 passed in W.P.(MD). No.3614 of 2021.

Prayer in WP(MD). 3614/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus, directing the respondent to appoint a fit person to Arulmigu Veerabathra samy Temple, Kallikudi, Thirumangalam Tk., Madurai Dist as an interim arrangement on conducting a due enquiry affording sufficient opportunity to the Somakalya Maharishi Gothra and Manumahrishi Gothram Devanga Chettiars, Aruppukottai in order to avoid law and order problem and for streamlining the management, administration of the temple on the basis of the petitioners representation dated 04-02-2021 as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

For Appellant : Mr.R.G.Shankar Ganesh
For Respondent : Mr.A.K.Manickam
Standing Counsel for Government

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

With the consent on either side, this Writ Appeal is taken up for disposal.

2.Heard Mr.R.G.Shankar Ganesh, learned Counsel appearing for the appellant and Mr.A.K.Manickam, learned Standing Counsel for the respondent.



Government appearing for the respondent.

3.This appeal by the writ petitioner is directed against the order dated 24.02.2021 passed in W.P.(MD).No.3614 of 2021.

4.The said writ petition was filed by the appellant praying for a Writ of Mandamus, to direct the respondent to appoint a fit person to the subject temple, by considering his representation.

5.As rightly pointed out by Mr.A.K.Manickam, learned Standing Counsel for Government, there is a scheme which has been framed by the Deputy Commissioner of Hindu Religious and Charitable Endowments Department, Madurai ['HR & CE Department' for brevity] in O.A.No.15 of 1982 dated 19.04.1983. If such is the factual position, then a representation for appointment of a fit person cannot be made nor any Writ of Mandamus, can be issued on such representation. If the petitioner is aggrieved by the manner in which the temple and its affairs are managed or if according to the petitioner there is discrimination, then the remedy lies before the Joint Commission of HR & CE Department, since a scheme is already in operation. Therefore, the only remedy available to the appellant is to move the Joint Commission of HR & CE Department, invoking the appropriate proceedings of the HR & CE Act. The writ petition is not the appropriate remedy and the relief sought for is misconceived. Hence, we are not inclined to interfere with the order passed in the writ petition.

6.Accordingly, this Writ Appeal stands dismissed. However, the dismissal of this Writ Appeal will not stand in the way of the appellant invoking the remedies available to him under the provisions of the Act. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

The Joint Commissioner,
Tamil Nadu Religious and
Charitable Endowment Department,
Ellis Nagar,
Madurai District.

+1 CC to M/s.R.G.SHANKAR GANESH, Advocate (SR-22388[F] dated
13/07/2021)

+1 CC to M/s.SPL GP (SR-22318[F] dated 13/07/2021)

W.A.[MD]No.1351 of 2021
12.07.2021

SSS(CO)
KB(19.07.2021) 3P 4C