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W.A.(MD)No.1408 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2021

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.1408 of 2021

and

C.M.P(MD) .No.5843 of 2021

Against W.P(MD) NO.6279 of 2021

1. P.Lakshmanan

2. M.Thannermalai

... Appellants/Petitioners

Vs.

1. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Chennai.

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Sivagangai District.

3. The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Paramakudi, Ramanathapuram District.

4. The Superintendent of Police,
Sivagangai District.

5. The Deputy Superintendent of Police,
Karaikudi, Sivagangai District.

6. The Inspector of Police,
Chettinadu Police Station,
Sivagangai District.

7. VR.C.T.Veerappan

8. Peri.Chidhambaram

9. Muthu Chettiar

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, against the order of this Court made in W.P.(MD) No.6279 of 2021, dated 19.03.2021.

<https://hcservices.ecourts.gov.in/hcservices/>



Prayer in WP(MD). 6279 of 2021 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a writ of mandamus directing the Respondents No.1 to 6 not to give permission to the Respondents No.7 and 8 for conducting General Body Meeting to be held on 21.03.2021 to discuss about the properties of A/M.Avudainayagi Ambal Sametha Desiganathaswamy Temple, Nagara Soorakudy, Poovandipatti, Chettinadu, Sivagangai District and further directing the Respondents No.1 to 3 to monitor the Respondents No.7 and 8 from dealing with the properties of the Temple by considering the Petitioners representation dated 08.03.2021

For Appellants : Mr.R.Balakrishnan

For Respondents : Mr.R.Baskaran
Standing Counsel for Government
for R1 to R6

J U D G M E N T

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

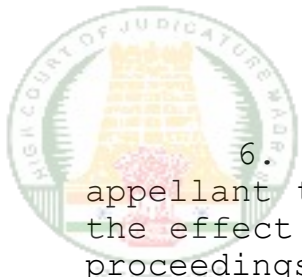
The appellant is the writ petitioner, who sought for a direction upon the respondents 1 to 6 not to give permission to the respondents 7 and 8 for conducting General Body Meeting, which was scheduled to be held on 21.03.2021 to discuss about the properties of the subject temple and to direct the respondents 1 to 3 to monitor the respondents 7 and 8 from dealing with the properties of the temple by taking note of the petitioner's representation.

2. The writ petition was dismissed with cost on the ground that the appellant is attempting to agitate a personal dispute between himself and the other members of the Board of Trustees of the temple.

3. We have heard Mr.R.Balakrishnan, learned counsel appearing for the appellant and Mr.R.Baskaran, learned Government Counsel appearing for the official respondents 1 to 6.

4. Since the writ petition was dismissed at the admission stage without notice to the respondents 7 to 9 and in the light of the order which we propose to pass, the notice to the respondents 7 to 9 is dispensed with.

5. The appellant, who is also a member of the Board of Trustees of the subject temple, has reasonable belief that other Board of Trustees are indirectly supporting the encroachers, who have been directed to be evicted pursuant to the orders by the Joint Commissioner-HR and CE Department, Sivagangai, dated 20.02.2019.



6. It is submitted by the learned counsel appearing for the appellant that the other Board of Trustees are attempting to dilute the effect of the said order by indefinitely postponing the eviction proceedings and conducting peace committee meeting etc., and the Police Authorities are also not cooperating and giving adequate police protecting for implementing the orders of the Joint Commissioner.

7. We are informed by the learned counsel appearing for the appellant that some of the encroachers have filed appeal before the Commissioner-HR and CE Department, challenging the order passed by the Joint Commissioner-HR and CE Department, dated 20.02.2019. If that be the situation, as of now, it may not be appropriate to implement the order passed by the Joint Commissioner, though only few of the encroachers have filed the appeal before the Commissioner. If according to the appellant, the other members of the Board of Trustees are not working in tandem along with the appellant or for certain other reasons, the appellant is of the opinion that the Board of Trustees are not cooperating in implementing the order of Joint Commissioner, it will be well open to the appellant to seek for an impleadment in the appeal petition pending before the Commissioner-HR and CE Department, and put forth his submission. The appellant would have *locus standi* to implead himself in the pending appeals before the Commissioner as he is a worshipper of the temple and also a member of the Board of Trustee. Therefore, we are of the view that if such liberty is granted to the appellant, that would meet the ends of justice.

8. For the above reasons, this **Writ Appeal is allowed** and the order passed in the writ petition is set aside and consequently, the writ petition stands disposed of with the aforementioned liberty. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

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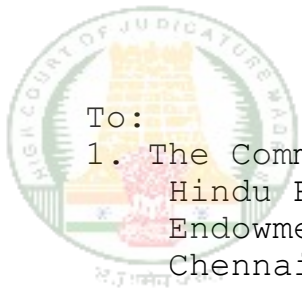
/ /2021

Sub Assistant Registrar(CS)

pkn

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To:

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6. The Inspector of Police,
Chettinadu Police Station,
Sivagangai District.

+1 CC to M/s.GP (SR-23345[F] dated 20/07/2021)

+1 CC to M/s.R.BALAKRISHNAN, Advocate (SR-23240[F] dated
20/07/2021)

W.A. (MD)No.1408 of 2021

19.07.2021

RK (30.07.2021) 4P 9C