



WEB COPY

W.P.(MD)No.13679 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.13679 of 2021

and

WMP (MD) .No.10620 of 2021

Senthamarai Kannan

... Petitioner

Vs.

1.The Principal Secretary,
The Government of Tamilnadu,
Department of Tamil Culture Development
& Religious Endowment Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner,
HR & CE Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.

3.The Joint Commissioner,
HR & CE Department,
Madurai - 625 001.

4.The Fit Person/The Executive Officer,
A/m. Soundararaja Perumal Temple,
Thadikombu, Dindigul District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the notice dated 20.07.2021 of the fourth respondent and quash the same.

For Petitioner : Mr.S.Subbiah, Senior Counsel
for Ms.G.Sumitra

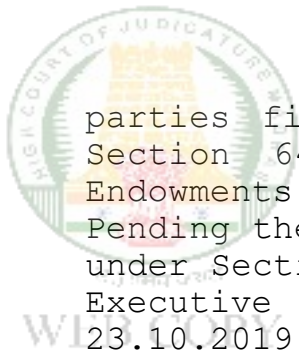
For Respondents : Mr.K.S.Selva Ganesan,
Counsel for State for R1 to R3
Mr.S.Manohar for R4

O R D E R

The petitioner challenges a notice dated 20.07.2021 of the fourth respondent, by which he was directed to handover charge of the relevant Madam.

2.The petitioner states that he is the Hereditary Trustee of the Yadava Madam situated at Palani Adivaram, Palani. Certain third

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



parties filed O.A.No.8 of 2019 before the third respondent under Section 64 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (the Act of 1959) for the framing of a scheme. Pending the above O.A, the said persons also filed I.A.No.16 of 2019 under Section 64(4) of the Act of 1959 seeking the appointment of an Executive Officer. In response to such petition, an order dated 23.10.2019 was passed appointing the fourth respondent as the fit person of the Yadava Madam. Since the petitioner was aggrieved by such order, an appeal in A.P.No.108 of 2019 was filed before the second respondent. On account of the interim stay granted in the matter, the petitioner states that the fourth respondent did not take charge as the fit person and that the petitioner continued to be the Hereditary Trustee of the Madam.

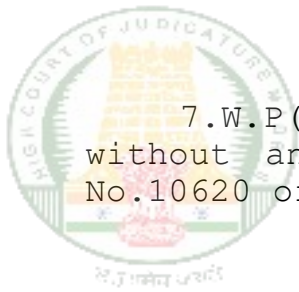
3.In these facts and circumstances, the petitioner states that he was surprised to receive a notice dated 31.10.2020 from the fourth respondent. By such notice, the petitioner was informed that the appeal filed by him had been dismissed on 03.11.2020. Upon coming to know of the same, the petitioner states that he filed a statutory revision before the first respondent on 18.11.2020 under Section 114 of the Act of 1959. The present writ petition is filed because pending such revision, the impugned notice dated 20.07.2021 was received from the fourth respondent.

4.Mr.S.Manohar, learned Standing Counsel, appears for the fourth respondent. He relies upon a counter-affidavit affirmed by the Executive Officer. Without prejudice to the contentions on the merits of the dispute, he submits that the first respondent may be directed to dispose of the pending revision petition within a reasonable time frame.

5.In view of the submissions of learned counsel for the fourth respondent, it is not necessary to examine or enter findings on the merits of the dispute. At the time of admission, by order dated 05.08.2021, an interim stay of the impugned notice dated 20.07.2021 was granted on condition that the petitioner should not deal with, alienate or encumber any of the assets of the relevant Madam. Therefore, the said interim protection should continue subject to the condition imposed therein until the revision petition is disposed of.

6.Accordingly, without going into the merits of the matter, the first respondent is directed to consider and dispose of the revision petition filed by the petitioner on 18.12.2020 within a period of six months from the date of receipt of a copy of this order. Such revision petition shall be disposed of after providing a reasonable opportunity to the petitioner and the other parties thereto. Until such time, the interim order granted on 05.08.2021 and extended subsequently shall enure to the benefit of the petitioner subject to the condition incorporated therein. If such condition is established

<https://hdservices.courts.gov.in/hdservices> the interim order shall be discharged *ipso facto*.



7.W.P(MD).No.13679 of 2021 is disposed of on these terms without any order as to costs. Consequently, connected WMP(MD).No.10620 of 2021 is closed.

Sd/-

Assistant Registrar (W)

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/ /2021

Sub Assistant Registrar(CS)

To

- 1.The Principal Secretary,
The Government of Tamilnadu,
Department of Tamil Culture Development
& Religious Endowment Department,
Fort St.George, Chennai - 600 009.
- 2.The Commissioner,
HR & CE Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
- 3.The Joint Commissioner,
HR & CE Department,
Madurai - 625 001.
- 4.The Fit Person/The Executive Officer,
A/m. Soundararaja Perumal Temple,
Thadikombu, Dindigul District.

+1 CC to M/s.S.MANO HAR, Advocate (SR-29057[F] dated 15/09/2021)

+1 CC to M/s.G.SUMITRA, Advocate (SR-29185[F] dated 15/09/2021)

+1 CC to M/s.SPL. GP (SR-29112[F] dated 15/09/2021)

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