



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 11.08.2021**

**CORAM**

**THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY**

**W.P(MD)No.13857 of 2021**

**and**

**W.M.P(MD) .No.10818 of 2021**

**WEB COPY**

Chellam Poosari

... Petitioner

**Vs.**

The Assistant Commissioner,  
HR & CE Department,  
Paramakudi,  
Ramanathapuram District.

... Respondent

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the respondent in his proceedings in Na.Ka.No.284/2021/A7 dated 02.07.2021 with annexure of proceedings in Na.Ka.No.284/2021/A7 dated 02.07.2021 and quash the same as arbitrary and illegal.

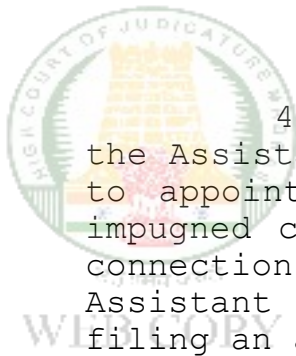
For Petitioner : Mr.T.Thirupathy  
For Respondent : Mr.R.Baskaran

**ORDER**

The petitioner challenges a communication dated 02.07.2021 from the Assistant Commissioner, Hindu Religious and Charitable Endowments Department.

2. The petitioner states that a decision had been taken by the Assistant Commissioner on 28.03.1995 with regard to the appointment of a Managing Trustee on the assumption that the property belongs to the Arulmigu Kudamurthy Ayyappan Temple. Therefore, the petitioner challenged such order in W.P.(MD).No.6367 of 1995. By order dated 24.08.2001, the order of the Assistant Commissioner, Hindu Religious and Charitable Endowments Department was set aside and he was directed to decide as to whether the disputed place is a Samadhi or a Religious Institution. According to the petitioner, instead of making such determination, proceedings were conducted on 23.12.2016 by the Joint Commissioner. In this connection, the petitioner also points out that the inquiry notice indicated that the hearing would be on 29.12.2016, whereas the hearing took place on 23.12.2016. The impugned notice is challenged on the aforesaid grounds by the petitioner.

3. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of the sole respondent.



4. Upon perusal of the impugned notice, it is clear that the Assistant Commissioner has indicated therein that it is proposed to appoint a Thakkar for the Temple in question. In fact, the impugned communication calls upon any person who has objections in connection with the proposed appointment to visit the office of the Assistant Commissioner on 20.07.2021 and raise such objections by filing an affidavit.

5. Therefore, the petitioner has clearly approached this Court prematurely. Instead of appearing before the Assistant Commissioner on the scheduled date and raising objections with regard to the proposed appointment, the petitioner has rushed to this Court. Consequently, there is no reason to interfere with the impugned communication.

6. In the result, W.P.(MD).No.13857 of 2021 is dismissed without any order as to costs. However, it is always open to the petitioner to raise all objections with regard to the proposed appointment before the respondent herein. In case such appointment is made in spite of such objections, the petitioner may institute appropriate proceedings in accordance with law. Consequently, W.M.P.(MD).No.10818 of 2021 is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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 Assistant Commissioner,  
HR & CE Department,  
Paramakudi,  
Ramanathapuram District.

+1 CC to M/s.SPL GP ( SR-26072[F] dated 12/08/2021

W.P(MD)No.13857 of 2021  
11.08.2021

SMA(CO)

KB(19.08.2021) 2P 3C

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



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