



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.1274 of 2020

and

C.M.P. (MD)No.7262 of 2020

and

W.P. (MD)No.13450 of 2020

and

W.M.P. (MD)Nos.11224 and 11225 of 2020

W.A. (MD)No.1274 of 2020:-

- 1.Amarajothi
- 2.Rajeswari
- 3.Sankaranarayanan

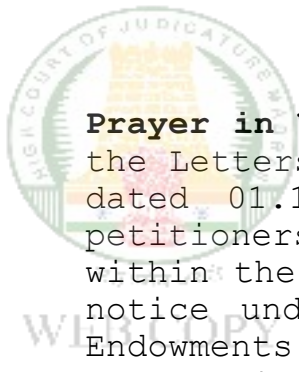
... Appellants

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Sivagangai.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Virudhunagar.
4. The Inspector,
Hindu Religious and Charitable Endowments Department,
Virudhunagar.

- 5.S.Pandurangan
- 6.Subramanian
- 7.Vellaichamy
- 8.Paramasivam
- 9.Murugesan
- 10.Selvakumar
- 11.Muthumanickam

... Respondents



Prayer in W.A. (MD)No.1274 of 2020 : Appeal filed under Clause 15 of the Letters Patent Act, to set aside the order passed by this Court, dated 01.10.2020, in W.P.(MD)No.13450 of 2020, by ordering the petitioners shall not be dispossessed except by due process of law, within the meaning of the third respondent's action, by issuing the notice under Section 78(3) of the Hindu Religious and Charitable Endowments Act, 1959 [Tamil Nadu Act 22 of 1959] to the appellants, by allowing this Writ Appeal.

For Appellants	:	Ms.G.Dhanalakshmi
For R1 to R4	:	Mr.K.P.Narayanakumar Special Government Pleader
For R5	:	Mr.J.Lawrance

* * * * *

W.P. (MD)No.13450 of 2020:-

1.Subramaniyan
2.Vellaichamy
3.Amar Jothi
4.Rajeswari
5.Paramasivam
6.Murugesan
7.G.Selva Kumar
8.Muthumanickam
9.Sankaranarayanan

... Petitioners

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai - 34.

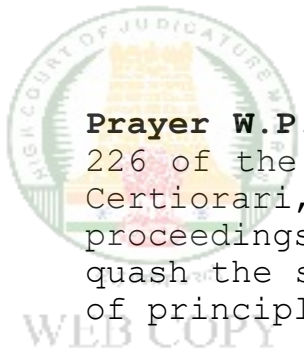
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Sivagangai.

3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Virudhunagar.

4. The Inspector,
Hindu Religious and Charitable Endowments Department,
Virudhunagar.

5. S.Pandurangan

... Respondents



Prayer W.P. (MD)No.13450 of 2020 : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorari, to call for the records of the third respondent, in his proceedings in Che.Mu.Na.Ka.No.1296/2018-1/A2, dated 28.07.2020, and quash the same as illegal, arbitrary, violation of law and violation of principles of natural justice.

For Petitioners : Mr.M.Jothibas
For R1 to R4 : Mr.K.P.Narayanakumar
Special Government Pleader
For R5 : Mr.J.Lawrance
* * * * *

COMMON JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J)

The appellants being the legal heirs of Testator, who dedicated the property in favour of the Temple, has come forward to file the Writ Petition, challenging the order appointing the Fit Person.

2.The learned Single Judge granted limited interim order, against which, W.A. (MD)No.1274 of 2020 has been filed.

3.Though the scope of this appeal is limited, we find from the provisions of the Tamil Nadu Hindu Religious Charitable and Endowments Act, 1959 [hereinafter referred to as 'the Act'], that the order impugned in W.P.(MD)No.13450 of 2020, is appealable under Section 21-A of the Act.

4.In such view of the matter, we permit the appellants to invoke Section 21-A of the Act within a period of four weeks from the date of receipt of a copy of this judgment. Till such time, status quo as on today shall be maintained. As and when such course is adopted by the appellants, the authority concerned is expected to issue notice to the fifth respondent/Objector viz., S.Pandurangan before passing appropriate final order.

5.This Writ Appeal is disposed of accordingly. In view of the order passed in the Writ Appeal, W.P.(MD)No.13450 of 2020 is also disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

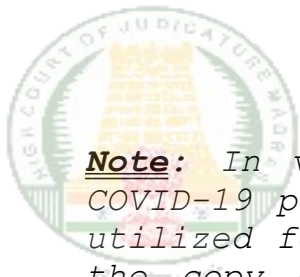
Sd/-

Assistant Registrar (T&P)

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/ /2021

Sub Assistant Registrar(CS)



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

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai - 34.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Sivagangai.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Virudhunagar.
4. The Inspector,
Hindu Religious and Charitable Endowments Department,
Virudhunagar.

+1 CC to the SPL GP (SR-430[F] dated 07/01/2021)
+1 CC to Mr.J.LAWRANCE, Advocate (SR-549[F] dated 07/01/2021)
+1 CC to Mr.G.DHANA LAKSHMI, Advocate (SR-602[F] dated 08/01/2021)

**Common Judgment made in
W.A. (MD)No.1274 of 2020
and
W.P. (MD)No.13450 of 2020
06.01.2021**

SR(CO)
CS(20.01.2021) 4P 8C