



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P (MD)No.19836 of 2021

WEB COPY

- 1.PR.Ramasamy Ambalam
- 2.S.Ramalingam Ambalam
- 3.R.Govindan Ambalam
- 4.A.Meyyappan Ambalam
- 5.RM.Sivanandham Ambalam

... Petitioners

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Uthamar Gandhi Road,
Chennai-600 034.

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

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Paramakudi cum Fit Person,
Arulmighu Koppudayanagi Ambal Thirukoil,
Karaikudi.

4.The Executive Officer,
Arulmighu Koppudayanagi Ambal Thirukoil,
Karaikudi, Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to implement the order passed by the second respondent in O.A.No.62/1975 dated 04.04.1977 and in O.A.No.3/1992/C1 dated 28.11.2013 by granting all privileges and honours covered in the said decisions to the petitioners' community, in the fourth respondent Temple.

For Petitioners	:	Mr.V.Meenakshi Sundaram for Mr.D.Nallathambi
For R-1 to R-3	:	Mr.M.Lingadurai Government Advocate
For R-4	:	Mr.V.R.Shanmuganathan



ORDER

When the matter was taken up, Mr.V.Meenakshi Sundaram, learned counsel representing the counsel on record for writ petitioners was before this Virtual Court.

2. Two orders, one dated 04.04.1977 made in O.A.No.62 of 1975 by the then Deputy Commissioner of Tamil Nadu, Hindu Charitable and Endowments Department under Section 63(e) of the 'Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959)' (hereinafter referred as 'TN HR & CE Act') and another order dated 28.11.2013 made by the second respondent (Joint Commissioner in O.A.No.3 1992/C1) come into play. The second order, though an order of dismissal says it is a petition under Section 63(a), but this Court is informed that O.A.No.3 of 1992 is also under Section 63(e) of TN HR & CE Act seeking/claiming a honour.

3. It is not necessary to dilate any further on facts as the aforementioned limited details have been captured only for future fresh proceedings (if any). From the aforementioned two orders, it comes to light that some individuals who make a rival claim qua the writ petitioners will be proper parties, but they have not been arrayed as 'respondents' in the captioned writ petition.

4. Faced with the above situation, learned counsel sought leave of this Court to withdraw the captioned writ petition albeit preserving all the rights of the writ petitioners to file a writ petition afresh arraying all proper parties and make necessary averments. Owing to the nature of the matter, this request is acceded to.

5. Captioned writ petition is disposed of as withdrawn albeit preserving all the rights of the writ petitioners to file a fresh writ petition arraying proper parties as respondents. Though obvious, it is made clear that all questions including those raised in the captioned writ petition are left open to be agitated and canvassed in the new writ petition if there is one. There shall be no order as to costs.

Sd/-

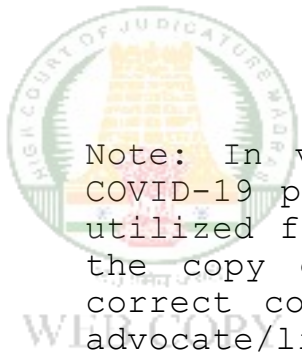
Assistant Registrar (AE)

// 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

1.The Commissioner,
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2.The Joint Commissioner,
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3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Paramakudi cum Fit Person,
Arulmighu Koppudayanagi Ambal Thirukoil,
Karaikudi.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-34013[F] dated 10/11/2021)

+1 CC to M/s.SPL.GP (SR-33920[F] dated 10/11/2021)

**W.P (MD) No.19836 of 2021
09.11.2021**

RS (01.12.2021) 3P 6C