



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.[MD]No.20199 of 2014 and

M.P.[MD]No.1 of 2014

WEB COPY

Madurai Thallakulam Chinna Chokkikulam Yadhavar Trust,
Rep. by its Managing Trustee,
P.Kannan,

S/o. Periyasamy Konar,
3/329, 2nd Cross Street,
Krishna Nagar, Thiruppalai,
Madurai - 625 014.

... Petitioner

[Managing Trustee substituted vide order dated 23.11.2021 in W.M.P.
[MD]No.13707 of 2017]

Vs.

1. The Secretary to Government,
Government of Tamil Nadu,
Tourism, Culture and Religious Endowments Department,
Secretariat, Chennai.
2. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai - 34.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai - 20.
4. The Fit Person,
Arulmigu Navaneethakrishnan and Chakkarathalwar Temple,
Tallakulam, Madurai.
5. M.Selvakumar
6. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
B-1 Road, Ellis Nagar,
Madurai - 625 016.

... Respondents

[R6 is suo motu impleaded vide order dated 23.11.2021]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records relating to the impugned order of the first respondent vide G.O.Ms.No.272 dated 11.11.2014 confirming the order of the second respondent in R.P.No.62/2013.D2 dated 04.10.2013 confirming the order of the third respondent in Se.Mu.Na.Ka.No.4323/2011/Aa2 dated 27.03.2012 and quash the same.



For Petitioner	: Mr.S.Anwar Sameem
For Respondents 1 to 3 & 6	: Mr.M.Lingadurai Special Government Pleader
For Respondent No.4	: Mr.S.Manohar
For Respondent No.5	: Mr.D.Srinivasa Ragavan

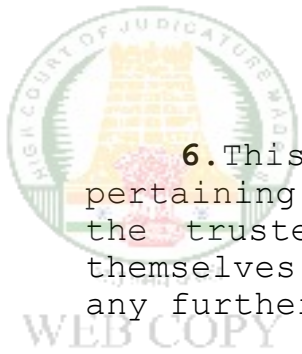
O R D E R

In the captioned writ petition Mr.S.Anwar Sameem, learned Counsel on record for the lone writ petitioner, Mr.M.Lingadurai, learned Special Government Pleader on behalf of respondents 1 to 3, Mr.S.Manohar, learned Private Counsel on behalf of the Fit Person and Mr.D.Srinivasa Ragavan, learned Private Counsel on behalf of the fifth respondent (private respondent) are before this Court. Therefore all the parties to the captioned writ petition are represented by their respective Counsel. To be noted State Counsel accepts notice for sixth respondent who is impleaded by this order and this is set out elsewhere infra in this order.

3.It is not necessary to delve into the facts as all the aforementioned Counsel submit in one voice without any disputation or disagreement that the *lis* that forms subject matter of the captioned writ petition is now pending in the form of two applications before the jurisdictional Joint Commissioner ie., Joint Commissioner, Hindu Religious and Charitable Endowments Department, B-1 Road, Ellis Nagar, Madurai - 625 016. All the learned Counsel also submit that it would be desirable to relegate the parties to these proceedings before the jurisdictional Joint Commissioner.

4.Before I proceed further, I notice that the jurisdictional Joint Commissioner is not a respondent in the captioned writ petition. Therefore, the jurisdictional Joint Commissioner ie., Joint Commissioner, Hindu Religious and Charitable Endowments Department, B-1 Road, Ellis Nagar, Madurai - 625 016 is impleaded *suo motu* as sixth respondent. Mr.M.Lingadurai, learned Special Government Pleader accepts notice on behalf of the sixth respondent. Registry to carry out necessary and consequential amendments in the case file as well as in the copy of the order before uploading and furnishing of order copy to the parties.

5.This Court is informed that the two proceedings pending before the jurisdictional Joint Commissioner (sixth respondent) are O.A.Nos.24 & 25 of 2011. This Court is further informed that O.A. is an application under Section 64(1) of the 'the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959)' {hereinafter 'TN HR & CE Act' for the sake of brevity} and O.A. is under Section 63(a) of TN HR & CE Act.



6.This Court is also informed that in earlier proceedings pertaining to implead proceedings, it was held that it is open to the trustees of the writ petitioner trust to seek to implead themselves in their personal capacity. It is not necessary to delve any further on those aspects of the matter.

7.Captioned writ petition is therefore disposed of by making the following order:

a) The sixth respondent is directed to dispose of O.A.Nos.24 & 25 of 2011 as expeditiously as his business would permit and in any event within three [3] months from today ie., on or before **23.02.2022**.

b) It is open to the trustees of the writ petitioner entity to seek to implead themselves in the aforementioned proceedings before the sixth respondent and if they do so, such applications can be decided on its own merits and in accordance with law by the sixth respondent.

c) Though obvious it is made clear that all questions including questions that have been raised in the captioned writ petition have been left open for being raised before the sixth respondent.

d) The sixth respondent shall decide the two O.As. on their own merits and in accordance with law untrammelled by any observations made in this order and any observations made in other collateral proceedings with the exception of the proceedings referred to supra pertaining to implead proceedings. Any other collateral proceedings pending at the instance of any party to the proceedings more particularly the writ petitioner or the fifth respondent shall stand withdrawn.

Consequently, captioned Miscellaneous Petition is closed. There shall be no order as to costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR



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.

WEB COPY

To

1. The Secretary to Government,
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2. The Commissioner,
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Chennai - 34.
3. The Assistant Commissioner,
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Madurai - 20.
4. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
B-1 Road, Ellis Nagar,
Madurai - 625 016.

+1 CC to M/s.D.SRINIVASARAGAVAN, Advocate (SR-35530[F] dated 23/11/2021)

+1 CC to M/s.T.ANTONY ARULRAJ, Advocate (SR-35609[F] dated 24/11/2021)

+1 CC to M/s.SPL GP (SR-35856[F] dated 25/11/2021)

+1 CC to M/s.S.MANO HAR, Advocate (SR-35623[F] dated 24/11/2021)

ORDER MADE IN
W.P. [MD]No.20199 of 2014
23.11.2021

USK (06.01.2022) 4P 9C