



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2021

CORAM

THE HON'BLE MR. JUSTICE M.SUNDAR

W.P(MD)Nos.8682 and 8683 of 2014

and W.M.P.(MD)Nos.1 and 1 of 2014

WEB COPY

V.Nithyakalyani

... Petitioner in both Wps

.Vs.

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

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Madurai - 1.

3.K.M.Paramasivam

4.T.K.T.Siva Subramaniam

5.K.R.K.V.Muthukumaran

6.T.Kannan

... Respondents 1 to 6 in both WPs

7.C.Mariappan

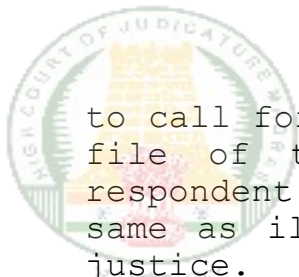
... 7th Respondent in
WP (MD) No.8682 of 2014

8.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Dindigul.

...8th respondent in
WP (MD) No.8682 of 2014 and
7th respondent in
W.P. (MD) No.8683 of 2014

(R8 in W.P. (MD) No.8682 of 2014 and
R7 in W.P. (MD) No.8683 of 2014 suo-motu
impleaded as per order of this Court dated
30.11.2021)

PRAYER in WP(MD)No.8682 of 2014: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorari,
<https://hcservices.ecourts.gov.in/hcservices/>



to call for the records in R.P.No.33 of 2011 dated 17.03.2014 on the file of the first respondent confirming the orders of second respondent in I.A.No.6 of 2011 in O.A.No.2 of 2005 and quash the same as illegal, ultravires and against the principles of natural justice.

PRAYER in WP(MD)No.8683 of 2014: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified mandamus, to call for the records in A.P.No.93 of 2010 D2 dated 17.03.2014 on the file of the first respondent confirming the orders in I.A.No.17 of 2010 in O.A.No.2 of 2005 on the file of second respondent and quash the same as illegal, ultravires and against the principles of natural justice and direct the second respondent to decide the maintainability of O.A. 2 of 2005 on its file as a preliminary point.

In all WPs:

For Petitioner : Mr.S.Manohar
For Respondents : Mr.M.Lingadurai
Special Govt. Pleader for R1, R2

Mr.S.Murugapandi for
Mr.V.Sasikumar
for R3 to R7

COMMON ORDER

Mr.S.Manohar, learned counsel on record for writ petitioner in both the captioned writ petitions, Mr.M.Lingadurai, learned Special Government Pleader for the official respondents in both the captioned writ petitions and Mr.V.Sasikumar, learned private counsel for all the private respondents in both the captioned writ petitions are before me.

2. Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 09.11.2021, which reads as follows:

'Learned counsel for private respondents requests for time stating that he has not been favoured with copies of typed set of papers. Request acceded to.

2.List three weeks hence.

3. List on 30.11.2021.'

3. Today, this Court is informed that parties have exchanged typed set of papers.

4. Be that as it may, learned counsel for writ petitioner and learned counsel for private respondents, submit that subject matter of captioned writ petitions pertain to administration of a public



temple which goes by the name Arulmigu Badrakaliamman Temple, situate in Peraiyur, Madurai District is the central theme of the captioned writ petitions.

5. Learned counsel for writ petitioner and learned counsel for private respondents submit in one voice that two applications both under Chapter V of the 'The Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act No.22 of 1959)' [hereinafter 'TN HR&CE Act' for the sake of brevity, convenience and clarity] have been filed. One by the writ petitioner and another by the private respondents.

6. The application filed by the private respondents is prior in point of time i.e., O.A.No.2 of 2005. This Court is informed that this is under Section 64(1) of TN HR&CE Act and the same is now pending on the file of the Joint Commissioner, TN HR&CE Department, Dindigul. The application filed by the writ petitioner, which is later in point of time is O.A.No.9 of 2006. This Court is informed that the same is under Section 63(b) of TN HR&CE Act and the same is also pending on the file of Joint Commissioner, TN HR&CE Department, Dindigul.

7. Learned counsel for writ petitioner and learned counsel for private respondents submit in one voice that all the issues in the captioned main writ petitions can be left open to be decided in the aforementioned two original applications before the Joint Commissioner, TN HR&CE Department, Dindigul.

8. In the light of the aforesaid common submission, main writ petitions are disposed of as closed.

9. To be noted, in the light of the aforementioned common submission, learned State Counsel submits that the Joint commissioner, concerned would deal with the matter on its own merits and in accordance with law.

10. The Joint Commissioner, TN HR&CE Department, Dindigul is *suo-motu* impleaded as eighth respondent in W.P.(MD)No.8682 of 2014 and seventh respondent in W.P.(MD)No.8683 of 2014 and learned State Counsel accepts notice on behalf of the said respondent in both writ petitions. Registry to carry out necessary / consequential amendments in the case file and in the copies of the orders before uploading / issuing the copy of the order / despatching the same to parties concerned.

11. Captioned writ petitions are disposed of as closed with a directive to the Joint Commissioner, TN HR&CE Department, Dindigul to take up O.A.Nos.9 of 2006 and 2 of 2005 together, hear them out on their own merits, in accordance with law, dispose of the same as expeditiously as his business would permit and in any event, within



obvious, it is made clear that I have not expressed any view or opinion on the merits of the captioned matters in this order. There shall be no orders as to costs. Consequently, connected miscellaneous petitions are disposed of as closed.

Sd/-

Assistant Registrar (CS-I)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsm

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
Endowment Department,
Chennai - 34.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Madurai - 1.

3.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Dindigul.

+1 CC to M/s.SPL GP (SR-36764[F] dated 01/12/2021)

+2 CC to M/s.V.SASI KUMAR, Advocate (SR-37145,SR-37146[F] dated 02/12/2021)

+1 CC to M/s.S.MANO HAR, Advocate (SR-36676[F] dated 01/12/2021)

W.P(MD)Nos.8682 and 8683 of 2014
30.11.2021

RD(4.01.2022) 4P 8C