



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 3000 of 2015 and

M.P. (MD) Nos. 1 & 2 of 2015

WEB COPY

M.Sivasankaran,
Trustee,
Aruppukottai Town Devangar,
Moonru Mirasugal Uravinmuraikku Pathiyappatta
Arulmigu Sri Ramalinga Sowdambigai Amman Devasthanam,
Pudukadai Bazaar, Aruppukottai,
Virudhunagar District. ... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments Board,
Chennai.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Board,
Sivagangai,
Sivagangai District.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Board,
Sivagangai,
Sivagangai District.
4. N.Mani Chettiar
5. S.Sankarasabapathi
6. D.Ganesan
7. P.Sivakumar ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing respondents 1 to 3 from in any way interfering in the administration of Aruppukottai Town Devangar Sri Ramalinga Sowdambigai Amman temple, Aruppukottai, by appointing any other person as Takkar, fit person or a trustee at the instance of respondent Nos.4 to 7.

For Petitioner : Mr.M.Mahaboob Athiff,
for M/s.Ajmal Associates.

For R-1 to R-3 : Mr.K.P.Narayanakumar,
Special Government Pleader.

For R-4 to R-7 : Mr.R.Kannan

**O R D E R**

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for respondents 1 to 3 and the learned counsel appearing for respondents 4 to 7.

2. The case of the petitioner is that the petition mentioned temple is a denominational religious institution and that vide decree dated 14.03.2007, the jurisdictional civil Court has restrained the authorities from interfering with the management of the said temple. The petitioner's apprehension is that even though the said decree has become final, the authorities are attempting to appoint a fit person or trustee.

3. When the matter was taken up for disposal, the learned Special Government Pleader stated that the department is not having any proposal to appoint a fit person or trustee. But then, in view of the dispute among the members of the community, there is a proposal to appoint an executive officer. But he fairly stated that they had not challenged the decree dated 14.03.2007 made in O.S.No.32 of 2005 on the file of the Sub Court, Aruppukkottai. When I had a look at the decree, I noticed that even though a representative suit has been instituted, only the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Sivagangai and the Assistant Commissioner, Hindu Religious and Charitable Endowments Department, Virudhunagar and one private trustee had been shown as defendants. It does not appear that the Commissioner of Hindu Religious and Charitable Endowments Department has been made as a party. Therefore, tomorrow if the Commissioner of Hindu Religious and Charitable Endowments Department passes an order, the order passed by the Commissioner cannot be said to be violative of the decree passed by the civil Court.

4. Therefore, taking note of the various circumstances obtaining in this case, I dispose of this writ petition by granting liberty to the petitioner to file a fresh suit on the same cause of action and apply for interim order. Status Quo that prevails as on date shall continue for twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

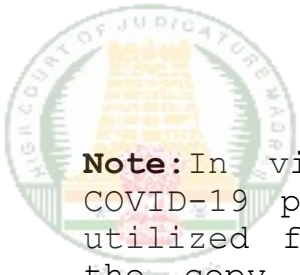
Sd/-

Assistant Registrar

// True Copy //

/ /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 Board,
Chennai.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Board,
Sivagangai,
Sivagangai District.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Board,
Sivagangai,
Sivagangai District.

+1 CC to M/s.R.KANNAN, Advocate (SR-1064[F] dated 19/01/2021)

+1 CC to M/s.GP (SR-1380[F] dated 20/01/2021)

W.P. (MD) No. 3000 of 2015
18.01.2021

(SRK) CO

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