



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P. [MD]No.9126 of 2015 and

M.P (MD) .No.1 of 2015

WEB COPY

V.Ponnusamy

: Petitioner

Vs.

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Office of the HR & CE,
Uthamarkovil, Tiruchirappalli.

2. P.Muthusamy

3. R.Subramani

4. K.Nallathambi

: Respondents

(R2 to R4 are impleaded vide court order

dated 25.11.2021 in MP(MD).No.1/15 in W.P(MD).No.9126/2015)

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondent not to register and extend the approval of committee and trust in the name of Arulmigu Sri Soliamman Muthusamy Thirukoil, Aathur, Karur District by considering the petitioner's representation dated 27.04.2015 within a time stipulated by this Court.

For Petitioner : Mr.Jana @ B.Janath Ahmed

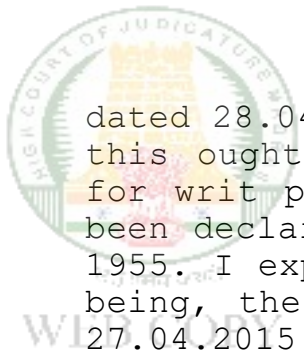
For Respondents : Mr.A.Baskaran,
Additional Government Pleader for R1
Mr.K.K.Uthayakumar
for Mr.H.Arumugam
for Implead Petitioners

O R D E R

Mr.Jana @ B.Janath Ahmed, learned counsel for the sole writ petitioner, Mr.A.Baskaran, learned Additional Government Pleader for the lone respondent and Mr.K.K.Uthayakumar for implead petitioners in captioned miscellaneous petition being M.P(MD).No.1 of 2015 are before this Court.

2. The captioned matter turns on a very narrow compass. Temple which is subject matter of captioned writ petition is 'Arulmigu Sri Soliamman Muthusamy Thirukoil, Aathur, Karur District' (hereafter 'said Temple' for the sake of convenience and clarity).

3. Learned counsel for writ petitioner submits that the official respondent in the captioned writ petition (Joint Commissioner) has settled a 'Scheme' for the said Temple vide order



dated 28.04.2011 in O.A.No.11 of 2004. Learned counsel submits that this ought not to have been done as according to learned counsel for writ petitioner, the office of trusteeship of said Temple has been declared to be hereditary way back in 1955 vide O.A.No.203 of 1955. I express no opinion on this in the case on hand, the reason being, the writ petitioner has simply sent a representation dated 27.04.2015 to the official respondent and have come up with the captioned writ petition with a prayer to mandamus the official respondent to dispose of the representation within a time frame. The remedy for the writ petitioner if at all and if that be so can be only either by way of seeking a modification of the scheme or by way of assailing the order of the Joint Commissioner made in O.A.No.11 of 2004 (dated 28.04.2011) in a manner known to law. In other words, it cannot be by way of a simple representation followed by a writ petition to mandamus the official respondent to dispose of the representation. This is because of the inbuilt mechanism (Chapter V proceedings) in 'the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959)' [hereafter 'TNHR&CE Act' for the sake of convenience and clarity] and to be noted TNHR&CE Act itself has been repeatedly held to be a self contained code by a series of orders of this Court.

4. In the light of the narrative thus far, captioned miscellaneous petition being M.P.No.1 of 2015 is ordered as prayed for. Registry to carry out necessary and consequential amendments in the case file as well as in the copy of the order before uploading of the order, furnishing and despatching of order copies to all concerned.

5. To be noted, the implead petitioner defends the scheme and submits that the scheme is in order. Therefore, the implead petitioner will be put on notice if the aforementioned order of the Joint Commissioner made in O.A.No.11 of 2004 is either sought to be modified or assailed. If assailed or sought to be modified by the writ petitioner, the official respondent shall consider the same on its own merits and in accordance with law uninfluenced / untrammelled by any observation made in this order.

6. Captioned writ petition and connected miscellaneous petition are disposed of in the aforesaid manner. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)



To

The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Office of the HR & CE,
Uthamarkovil, Tiruchirappalli.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-36418[F] dated 29/11/2021)

+1 CC to M/s.SPL GP (SR-36043[F] dated 26/11/2021)

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25.11.2021

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