



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.[MD]No.11968 of 2016

and

W.M.P(MD) .No.9167 of 2016

WEB COPY

Dr.R.Vignesh

: Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai - 625 020.
2. The Tahsildar,
Thirupparankundram Taluk,
Madurai - 625 006.
3. The Joint Commissioner,
Hindu Religious & Charitable Endowments
Board,
Madurai - 625 001.
4. The Assistant Commissioner,
Hindu Religious & Charitable Endowments
Board,
Madurai - 625 001.
5. The Deputy Commissioner/Executive Officer,
Arulmigu Subramaniaswamy Thirukovil,
Thirupparankundram,
Madurai - 625 005.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the third respondent in Na.Ka.No.258/2016/E1 dated 05.05.2016 and quash the same insofar as the petitioner is concerned and to consequently, forbearing the fifth respondent from interfering with the petitioner's possession and enjoyment of the property situated in Thirupparankundram village survey No.187 to the extent of 1443 sq.ft.

For Petitioner
For Respondents

: No Appearance
: Mr.S.R.A.Ramachandran,
Additional Government Pleader
for R1 to R4
Mr.S.Manohar, for R5



O R D E R

In the captioned writ petition an order made by the third respondent being order dated 05.05.2016 bearing reference Na.Ka.No.258/2016/E1 (hereinafter 'impugned order' for the sake of brevity, convenience and clarity) has been assailed by one of the five respondents in that order, namely respondent No.1 (Dr.R.Vignesh).

2. Mr.S.R.A.Ramachandran, learned Additional Government Pleader for respondents 1 to 4 and Mr.S.Manohar, learned private counsel for Executive Officer of 'Arulmigu Subramaniaswamy Thirukovil, Thirupparankundram, Madurai - 625 005' (hereinafter 'said Temple' for the sake of convenience and clarity) are before this Court.

3. To be noted, the Executive Officer of said Temple for whom private counsel is appearing is in the rank of Deputy Commissioner - Tamil Nadu Hindu Religious & Charitable Endowments Department (hereinafter 'TNHR&CE Dept' for the sake of convenience and clarity).

4. The impugned order has been made under Section 78 of '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 more particularly under Section 78 (4) of TNHR&CE Act.

5. Adverting to the counter-affidavit of the fifth respondent, learned private counsel for Executive Officer of said Temple and learned State counsel of TNHR&CE Dept submit that said Temple has already taken possession of the demised property (subject matter of impugned order) on 31.10.2017.

6. This is articulated in paragraph 5 of the counter-affidavit of fifth respondent, paragraph 5 is at page No.3 of counter-affidavit of the fifth respondent and the same reads as follows:

'5) I further submit that the Petitioner filed Revision against the impugned order before the Commissioner - H.R. & C.E., Chennai and the same was also dismissed on 01.08.2017 in Na.Ka.No.31644/2017/D-2 and hence the Writ Petition is not maintainable as the Petitioner himself has invoked alternative remedy under Tamil Nadu Act 22 of 1969 and Writ Petition is liable to be dismissed and the petitioner has not invoked Section 114 of Tamil Nadu Act 22 of 1959 till date and the Temple has taken possession of the property on 31.10.2017 through the Assistant Commissioner, H.R. & C.E., Madurai.'

(underlining made by this Court to supply emphasis, for ease of reference and for highlighting)



7. There is no representation for the writ petitioner and the above probably explains the absence of the writ petitioner's counsel today. Be that as it may, the aforesaid stated position of said Temple and respondents drops the curtains on the captioned matter. In other words, captioned main writ petition is disposed of as closed recording the stated position of said Temple and official respondents. Consequently, captioned WMP is also disposed of as closed. There shall be no order as to costs.

Sd/-

Assistant Registrar (AD I)

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/ /2021

Sub Assistant Registrar(CS)

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To

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Thirupparankundram,
Madurai - 625 005.

+1 CC to M/s.SPL GP (SR-36074[F] dated
26/11/2021)

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