



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2021

CORAM

THE HON'BLE MR. JUSTICE M.SUNDAR

W.P(MD)No.24133 of 2016

and W.M.P.(MD)No.17413 of 2016

WEB COPY

L.Ashok Arunagiri

... Petitioner

Vs.

1.The Commissioner,
Corporation of Thanjavur,
Thanjavur.

2.The President,
Arulmighu Angala Easwari Muniswarar
Alayam, Anna Nagar,
Vilar Road,
Thanjavur - 6.

3.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowments Department,
Thanjavur.
(R3 suo-motu impleaded as per order of
this Court dated 06.12.2021)

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of of Mandamus, directing the 1st respondent to stop the constructions without proper permissions from the 1st respondent in the 2nd respondent temple campus as per notice issued by the 1st respondent dated 20.07.2016 by considering the representation of the petitioner dated 19.08.2016 within stipulated time.

For Petitioner : Mr.C.Karthikeyan
for Mr.T.A.Ebenezer

For Respondents : Mr.J.Parekh Kumar for R1

Mr.A.Senthil Kumar for R2

T.Amjadkhan,
Government Advocate for R3

O R D E R

Read this in conjunction with and in continuation of earlier proceedings made in the previous listings on 03.12.2021 and <https://hcservices.ecourts.gov.in/hcservices/>



06.12.2021, which read as follows:

'03.12.2021:

There is no representation for both sides, with the intention of giving opportunity to both sides and their counsel, Registry to list this matter on Monday.

2. List on 06.12.2021.

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06.12.2021:

Read this in conjunction with and in continuation of earlier proceedings made in previous listing dated 03.12.2021.

2. Mr.C.Karthikeyan, learned counsel representing the counsel on record for writ petitioner, Mr.P.Santhosh Kumar, learned counsel representing the counsel on record for the first respondent-the Commissioner, Corporation of Thanjavur and Mr.A.Senthil Kumar, learned counsel for second respondent are before this Court.

3. Adverting to earlier proceedings made on 03.12.2021, both sides express regret for not representing the matter in the previous listing. Be that as it may, it comes to light that the captioned writ petition pertains to 'Arulmigu Angala Easwari Muniswarar Alayam, situate in Annan Nagar, Vilar Road, Thanjavur - 613 006' (hereinafter referred to as 'said Temple' for the sake of convenience and clarity).

4. Captioned writ petition has been filed by the writ petitioner styling himself as one of the trustees of second respondent-Temple vide registration No.476/BK-4/2000, but that appears to be the registration number of a Trust. There is nothing to demonstrate that the writ petitioner has been recognized as a Trustee of said Temple within the meaning of 'the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959)' [hereinafter referred to as 'TNHR&CE Act' for the sake of convenience and clarity] much less by the appropriate authority. The allegation in the matter pertains to construction of a marriage hall in land which undisputedly belongs to said Temple and the construction is alleged to have been put up by the second respondent.

5. There is nothing to demonstrate that said Temple is a private temple. In this view of the matter, I deem it appropriate to suo motu implead the jurisdictional Joint Commissioner of 'Tamil Nadu Hindu Religious & Charitable Endowments Department' (hereinafter 'TNHR&CE Dept' for the sake of convenience and clarity) i.e., 'Joint Commissioner-TNHR&CE Dept, Thanjavur' as third respondent, Registry to carry out necessary and



consequential amendments in the case file before next listing.

6. Mr.M.Lingadurai, learned Special Government Pleader accepts notice on behalf of third respondent. Learned State counsel to get instructions regarding the said Temple and its administration as it prima facie appears to be a public Temple within the meaning of Sub-section (3) of Section 1 of TNHR&CE Act.

7. List a fortnight hence.

8. List on 20.12.2021.'

2. Today, Mr.C.Karthikeyan, learned counsel representing the counsel on record for writ petitioner, Mr.J.Parekhkumar, learned counsel for first respondent (Commissioner, Corporation of Thanjavur), Mr.A.Senthilkumar, learned counsel for second respondent and Mr.T.Amjadkhan, learned Government Advocate on behalf of third respondent (impleaded jurisdictional Joint Commissioner) are before this Court.

3. In the above scenario, Mr.C.Karthikeyan, learned counsel representing the counsel on record for writ petitioner submits that he has instructions from the writ petitioner to withdraw the captioned writ petition and seeks leave of this Court to withdraw the captioned writ petition. Request acceded to.

4. Captioned writ petition is dismissed as withdrawn. Consequently, captioned WMP is also dismissed as withdrawn. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// 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,
Corporation of Thanjavur,
Thanjavur.



2.The President,
Arulmighu Angala Easwari Muniswarar
Alayam, Anna Nagar,
Vilar Road,
Thanjavur - 6.

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3.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowments Department,
Thanjavur.

+1 CC to M/S.P.SRINIVAS Advocate SR.No.40037
+1 CC to M/S.SPG SR.No.39715

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and W.M.P.(MD)No.17413 of 2016
20.12.2021

RD(3.01.2022) 4P 6C