



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2021

CORAM

THE HON'BLE MR. JUSTICE M.SUNDAR

W.P(MD) No.6423 of 2016

and W.M.P. (MD) No.5599 of 2016

G.Jeyachandran

.. Petitioner

Vs.

1.The Assistant Commissioner,
Hindu Religious & Charitable
Endowments Department,
Madurai - 625 001.

2.The Fit Person,
A/M.Gurunathasamy Temple,
Thandalay, Vadipatti Taluk,
Madurai District
having office at the office of
The Executive Officer,
A/M.Mathana Gopalasamy Temple,
West Masi Street,
Madurai - 625 001.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorari, calling for the records dated 18.02.2016 on the file of the 1st respondent herein, relating to his proceeding in Se.Mu.Na.Ka.No.368/2015/B1 quash the same, as the same is arbitrary ultravires.

For Petitioner	:	Mr.P.Sivasubramanian
For Respondents	:	Mr.C.Satheesh, Government Advocate for R1 No Appearance for R2

O R D E R

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 19.11.2021, which reads as follows:

'Mr.P.Sivasubramanian, learned Counsel on record for writ petitioner submits that the lone writ petitioner is no more and the date of demise is 01.05.2021.

2.Mr.C.Satheesh, learned Government Advocate on behalf of the first respondent submits that counter-affidavit has been filed. To be noted, the second respondent has been duly served and the name of the second respondent is shown in the cause list, but none appears.

3.Be that as it may, learned Counsel for writ



petitioner requests for time to get instructions regarding taking steps owing to the demise of the lone writ petitioner. Request acceded to. List three [3] weeks hence.

4. List on 10.12.2021. '

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2. Adverting to earlier proceedings dated 19.11.2021, learned counsel for writ petitioner today submits that the date of demise of the lone writ petitioner is 01.05.2021 and seeks further time to take steps.

3. Mr.C.Satheesh, learned State Counsel points out that the impugned order is 'dated 18.02.2016 bearing reference செ/மு/ந/க/368-2015-ஆ1 (hereinafter 'impugned order' for the sake of convenience and clarity), in and by the impugned order, the first respondent (Assistant Commissioner) has appointed a Fit person under Section 49 (1) of 'Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959)' (hereinafter 'TN HR&CE Act' for the sake of convenience and clarity) for 'Arulmigu Gurunathasamy Temple, situate in Thandalay, Vadipatti Taluk, Madurai District' (hereinafter 'said temple' for the sake of convenience and clarity). It is pointed out that Executive Officer of another temple viz., Executive Officer of Arulmigu Mathanagopalaswamy Temple situate in Madurai Town and Taluk, Madurai District has been appointed as Fit person.

4. A careful perusal of case file and submissions made before me bring to light that the lone writ petitioner was not a hereditary trustee. Therefore, the question of bringing on record the legal heirs or his legal heirs making a claim under TN HR &CE Act does not arise.

5. Therefore, it would be appropriate to dispose of the captioned writ petition as abated so that the matter is left open if any one else claiming interest to come before this Court assails the impugned order if so desired or if so advised.

6. In the light of the narrative thus far, captioned writ petition is disposed of as closed / abated. Consequently, captioned WMP thereat is disposed of as closed. There shall be no order as to costs.

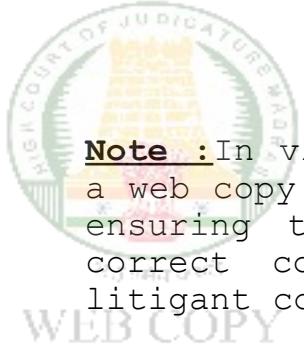
Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

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

The Assistant Commissioner,
Hindu Religious & Charitable
Endowments Department,
Madurai - 625 001.

+1 CC to M/s.P.SIVA SUBRAMANIAN, Advocate (SR-38185[F] dated 10/12/2021)

+1 CC to M/s.SPL GP (SR-38367[F] dated 13/12/2021)

W.P(MD) No.6423 of 2016
and W.M.P. (MD) No.5599 of 2016
10.12.2021

TSK(CO)
KB(04.01.2022) 3P 4C