



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.NO.5853 OF 2022

AND

W.M.P.NO.5954 OF 2022

Mr.K.Nirmal Kumar

... Petitioner

Vs.

1. M/s.Arulmigu Marudheswarar Temple,
Represented by its Executive Officer,
Thiruvanmiyur,
Chennai - 600 041.

2. Mrs.Lakshmiammal.

... Respondents

Prayer:

Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent in Letter No.43/1431/dated 07.03.2022 and for granting permission to the second respondent and Letter No.43/1431/dated 07.03.2022 rejecting the permission of the petitioner and quash the same as illegal and arbitrary and directing the first respondent to adhere the permission granted on 18.02.2022 for the purpose of do in the Ubayam of "Bavanimedai Pandhal Alangaram" by the petitioner.

For Petitioner : Mr.J.Kamaraj

For Respondents:

For R1 : Mr.M.Geetha Thamaraiselvan
Special Government Pleader

For R2 : Mr.A.Prakash

ORDER

The petitioner has filed this writ petition for the issuance of the Writ of Certiorarified Mandamus to call for the records



of the first respondent in Letter No.43/1431/dated 07.03.2022 and for granting permission to the second respondent and Letter No.43/1431/dated 07.03.2022 rejecting the permission of the petitioner and quash the same as illegal and arbitrary and directing the first respondent to adhere the permission granted on 18.02.2022 for the purpose of do in the Ubayam of "Bavanimedai Pandhal Alangaram" by the petitioner.

2. After hearing the learned counsel appearing for the petitioner and the learned counsels appearing for the respondents and perusing the Impugned Order and the affidavit in support of the present writ petition, I am of the view that nothing survives for adjudication of proceedings in this writ petition, as the dispute pertains to a ceremony to be conducted in Arulmigu Marudeeswarar Temple, Thiruvannamiyur, Chennai, between 07.03.2022 and 19.03.2022.

3. Though, it is the case of the petitioner that the second respondent had given a permission to the petitioner by a letter dated 18.02.2022 for conducting the ceremony and the same was cancelled on 07.03.2022 without notice to the petitioner.

4. It is noticed that the aforesaid ceremony was to be held between 07.03.2022 and 19.03.2022. Considering the fact that there is a private dispute between the members of the same family, this writ petition is also not maintainable. Nothing survives for adjudication in this writ petition. However, liberty is given to the petitioner to establish his right before the Joint Commissioner under Section 63(a) of the HR & CE, Act, 1959. Therefore, the petitioner may file appropriate application for establishing rights.

5. In view of the above, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rgm



To

The Executive Officer,
M/s.Arulmigu Marudheswarar Temple,
Thiruvannamiyur,
Chennai - 600 041

Copy To

The Joint Commissioner
HR & CE Department,
Fort St.George, Chennai.

+1cc to Mr.A.Prakash, Advocate, S.R.No.37275
+1cc to M/s.A.S.Kailasam & Associates, Advocate, S.R.No.37716
+1cc to Mr.J.Kamaraj, Advocate, S.R.No.36647
+1cc to the Special Government Pleader(HR & CE), S.R.No.36807

W.P.No.5853 of 2022
and
W.M.P.No.5954 of 2022

RSV(CO)
PM/06/07/2022