



W.P. No. 23022 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 23022 of 2014

and

M.P. Nos. 1 of 2014

Thirunavukkarasu Thambiran,
Kattalai Visaranai,
Arulmigu Vaithiyanadha Swamy Thirukoil,
Vaitheeswaran Koil,
Sirkali Taluk,
Nagapattinam District.

... Petitioner

-VS-

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Mayiladuthurai,
Nagapattinam District.

2. Adheenakartha,
Dharumapura Adheenam,
Hereditary Trustee of Sri Velur Devasthanam and
Arulmigu Vaithiyanadha Swamy Thirukoil
at Vaitheeswaran Kovil,
Dharmapuram Madam,
Mayiladuthurai.

...

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to direct the Second Respondent to withdraw the order of transfer of the Petitioner dated 14.08.2014 made by the Second Respondent.



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For Petitioner : Mr. V.Elangovan

For Respondents : Mr. S.Girish (For R2)

Mr. K.Karthikeyan (For R1)

ORDER

Heard Mr. V.Elangovan, Learned Counsel appearing for the Petitioner, Mr. K.Karthikeyan, Learned Counsel for the First Respondent and Mr. S.Girish, Learned Counsel for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who is functioning as Kattalai Visaranai at Arulmigu Vaithiyanadha Swamy Thirukoil, Vaitheeswaran Koil was transferred to the Thirukuvalai Devasthanam by order in Na. Ka. No. 202/1424 dated 14.08.2014 passed by the Second Respondent. It is the case of the Petitioner that there is no provision enabling the Second Respondent for such transfer and the Writ Petition has been filed for directing the Second Respondent to withdraw the aforesaid order of transfer.



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3. Since it is represented by Learned Counsel for both sides that the impugned order of transfer has not been given effect for the past eight years and the Petitioner is continuing as Kattalai Visaranai in Arulmigu Vaithiyanadha Swamy Thirukoil, Vaitheeswaran Koil as on date, it is improbable that the same circumstances that existed at the time of passing of the impugned order still continues. In that backdrop, there does not appear to be any useful purpose served by venturing into the task of testing the validity of the impugned order at this distance of time and the concerned authorities are not precluded from taking any fresh decision, as the exigencies may require, regarding the place of posting of the Petitioner in accordance with law and till then, the *status quo* as prevailing today shall be in force. It is needless to clarify here that no view has been expressed on the merits of the controversy involved in the matter.

4. In the result, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

13.10.2022

Maya

Index: Yes/No

Note: Issue order copy by 28.10.2022.



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P.D. AUDIKESAVALU, J.

Maya

To

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Mayiladuthurai,
Nagapattinam District.
2. Adheenakartha,
Dharumapura Adheenam,
Hereditary Trustee of Sri Velur Devasthanam and
Arulmigu Vaithiyanadha Swamy Thirukoil
at Vaitheeswaran Kovil,
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