



W.P. No. 28713 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

CORAM

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

W.P. No. 28713 of 2014

and

M.P. No. 1 of 2014

P.T.Shanmugam

... Petitioner

-VS-

1. The Commissioner,
Hindu Religious and Charitable Endowments,
(HR & CE Department),
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment (HR & CE) Department,
Coimbatore Division,
Coimbatore.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment (HR & CE) Department,
Erode,
Erode District.
4. The Fit Person,
A/m Uthukkuli Amma Thirukkoil,
Punjai Puliampatti,
Sathy Taluk,
Erode District.
Also the Executive Officer,
A/m. Venugopalasamy Thirukkivil,
Sathy Nagar and Taluk,
Erode District.



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5. M.Kanagaraj

(R5 is impleaded vide order dated 17.08.2015 in M.P. No. 1 of 2015)

6. The Joint Commissioner,

Hindu Religious and Charitable Endowments Department,
Erode.

(R6 is *suo motu* impleaded vide this order)

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the Fourth Respondent dated Nil herein and quash the same and consequently forbear the Respondents herein from in any way interfering with the Petitioner' peaceful management of A/m. Uthukkuli Amman Temple and for any other relief or reliefs that may be appropriate in the present circumstances of the case.

For Petitioner : Mr. V.P.Karthikeyan

For Respondents : Mr. M.Bindran,
Additional Government Pleader
(for R1 to R3 & R6)

Mr. S.Sudharsan (for R4)

ORDER

Heard Mr. V.P.Karthikeyan, Learned Counsel for the Petitioner, Mr. M.Bindran, Learned Additional Government Pleader appearing for the First to Third and Sixth Respondents and Mr. S.Sudharsan, Learned Counsel for the Fourth Respondent and perused the materials placed on record, apart from the pleadings of the parties.



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2. The Writ Petition has been filed challenging the undated order passed by the Fourth Respondent informing the Petitioner he is going to take charge of Arulmigu Uthukkuli Amman Temple Thirukkivil (hereinafter referred to as 'the Temple' for short), and to consequently forbear the Respondents from interfering with the peaceful management of the Temple by the Petitioner. It is accepted by Learned Counsel for both sides that in view of the interim order passed in this Writ Petition, the impugned order has not been given effect so far.

3. Learned Additional Government Pleader appearing for the Hindu Religious and Charitable Endowments Department has filed a memo dated 17.11.2022 in which it has been stated as follows:-

“ It is submitted that in the year 2021 Erode District has been separated from the Joint Commissioner, HR & CE Department Zone, Coimbatore Zone and the file has been transferred to Erode District and above O.A. Has been renumbered as 4/2021 after several adjournments when in the matter came before the Joint Commissioner, HR & CE Department, Erode Zone on 10.11.2022 the Petitioner's Counsel appeared and requested to post this appeal along with O.A.19/2017 filed by the Temple and hence we need eight weeks



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time to dispose the above matter. I have also enclosed a copy of the communication received from the 2nd respondent/ The Joint Commissioner, HR & CE Department, Erode Zone and that may be read as the part and parcel of the memo. This is for your kind perusal.”

In view of the same, the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Erode, who is *suo motu* impleaded as the Sixth Respondent in this Writ Petition, shall after affording full opportunity of personal hearing to all parties concerned in O.A. No. 19 of 2017 and O.A. No. 4 of 2021, pass a reasoned order dealing with each of the contentions raised on merits and in accordance with law and communicate the decision taken by 31.01.2023 under written acknowledgment. The parties shall maintain *status quo* as on date till the disposal of the said appeals and depending upon its outcome, further action may then be taken in accordance with law.

4. In fine, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

17.11.2022

vjt

Index: Yes/No

Note: Issue order copy by 03.01.2023.



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WEB COPY

To

1. The Commissioner,
Hindu Religious and Charitable Endowments,
(HR & CE Department),
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment (HR & CE) Department,
Coimbatore Division,
Coimbatore.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment (HR & CE) Department,
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Punjai Puliampatti,
Sathy Taluk,
Erode District.
5. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Erode.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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P.D. AUDIKESAVALU, J.

vjt

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