



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. (MD) No.1047 of 2021

and

W.M.P. (MD) No.906 of 2021

WEB COPY

Levinjipuram Hindu Nadar Samuthaya
Arulmighu Mannaraja Thirukoil Vagai
Arakkattalai,
by its President, M.Thankaiah Nadar,
Door.No.10/24, Mannaraja Kovil Street,
Levinjipuram 627 114,
Radhapuram Taluk,
Tirunelveli District.

... Petitioner

/vs./

1.The Commissioner,
Office of the Commissioner,
Hindu Religious Charitable and Endowment
Department,
No.119, Uthamar Gandhi Salai,
Chennai 600 034.

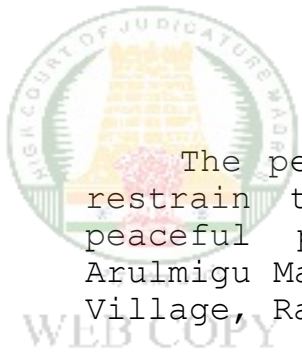
2.The Assistant Commissioner,
Hindu Religious Charitable and Endowment
Department,
Palayamkottai,
Tirunelveli.

3.The Executive Officer,
Arulmighu Varagunapantiswarar Tirukoil,
Radhapuram,
Radhapuram Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, restraining the respondents from in any way interfering with the peaceful possession and administration of the temple namely, Arulmigu Mannaraja Tirukoil in Survey Nos.856/2B3, Levinjupuram Village, Radhapuram Taluk, Tirunelveli District by the petitioner trust, without following the provisions under Section 49 of Tamilnadu Hindu religious and Charitable Endowments Act, 1959.

For Petitioner	: Mr.G.Aravinthan
For R1 & R2	: Mr.P.Subbaraj
	Special Government Pleader
For R3	: Mr.S.Chellapandian



ORDER

The petitioner has filed this writ petition for a Mandamus to restrain the respondents from in any way interfering with the peaceful possession and administration of the temple namely, Arulmigu Mannaraja Tirukoil in S.No.856/2B3 situated at Levinjupuram Village, Radhapuram Taluk, Tirunelveli District.

2.The learned counsel for the petitioner submits that the respondent temple was brought within the purview of the HR & CE Department as early as 2008 by the 1st respondent in his proceedings dated 29.07.2008 bearing Ref.No.Ni.Mu.No.8058/08/E2.

3.The learned counsel for the petitioner further submits that the petitioner was unaware of this proceedings, which is of the year 2008 and therefore, liberty may be given to the petitioner to approach the authorities concerned for appropriate relief.

4.It is noticed that a Fit Person was also appointed by the 2nd respondent herein on 19.09.2008. An appeal was also filed earlier against the order of the 2nd respondent appointing a Fit Person on 19.09.2008. Therefore, there is no merits in this writ petition.

5.Considering the fact that the petitioner has woken up long after the control of the temple was taken over by the HR & CE Department in 2008, the writ petition is dismissed with liberty to the petitioner to workout his remedy by way of filing an application/appeal before the Appellate Authority within a period of 30 days from the date of receipt of a copy of this order. If such appeal is filed within such time, the Appellate Authority shall consider the same and pass appropriate orders on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

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/ /2022

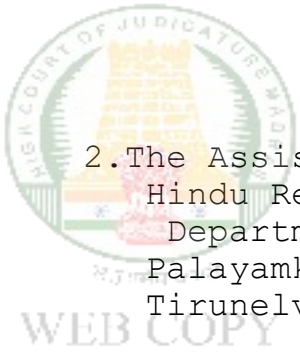
Sub Assistant Registrar(CS)

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To

1.The Commissioner,
Office of the Commissioner,
Hindu Religious Charitable and Endowment
Department,
No.119, Uthamar Gandhi Salai,
Chennai 600 034.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Assistant Commissioner,
Hindu Religious Charitable and Endowment
Department,
Palayamkottai,
Tirunelveli.

+1 CC to M/s.G.ARAVINTHAN, Advocate (SR-15457[F] dated 30/03/2022)

+1 CC to M/s.SPL GP (SR-15678[F] dated 31/03/2022)

W.P. (MD)No.1047 of 2021
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SG(CO)
KB(18.04.2022) 3P 5C