



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.04.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P. (MD) No.6920 of 2022

WEB COPY

1.N.S.Ramaraj

2.Reguraman.K.A.

3.Subramaniyan

4.Muthumani Raja

5.K.Venkatesan

... Petitioners

/vs./

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Sivagangai.

3.The Executive Officer,
Arulmigu Mayuranatharswamy Thirukovil,
Pethavanallur,
Rajapalayam.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to approve the election of petitioners as the trustees of Arulmighu Aadhi Vazhi Vidum Vinayagar temple by the members of the Dharmapuram Sri Mapillai Vinayager Temple Trust vide resolution dated 24.12.2021 in consonance with the scheme framed under Section 64(2) of Tamil Nadu Hindu Religious and Charitable Endowments Act vide order passed by the joint Commissioner of HR and CE Sivagangai in O.A. No.06/2017 dated 27.01.2021 and published in the Virudhunagar District GAZette vide Na.Ka.No.1/21058/2021 dated 23.07.2021 in the light of the petitioners' representation dated 31.12.2021.

For Petitioners : Mr.N.Dilip Kumar

For R1 & R2 : Mr.P.Subbaraj
Special Government Pleader

For R3 : Mr.P.Mahendran



ORDER

After hearing the learned counsel for the petitioners, learned Special Government Pleader for the respondents 1 and 2 and the learned counsel for the 3rd respondent, this writ petition is disposed of, considering the fact that earlier an order came to be passed on 19.09.2019 in W.P.(MD) No.13095 of 2019. The relevant portion from the said order reads as under:-

"4. Admittedly, the Temple was renovated and it attracts more crowd than in the past and application for framing a Scheme in O.A.No.6 of 2017 is also pending, the disposal of which will regularize the administration and the rights will be established. At the time of admission, this Court has granted an order of status quo. With a strength of the above order, the petitioner is performing the poojas and religious and charitable activities in the Temple. In such circumstances, I am of the considered view that the same status quo can be continued till the disposal of the Scheme Application. Once the Scheme Application is disposed of, the functioning of the Temple will be channelized.

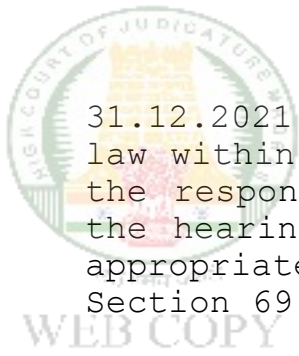
5. Therefore, this Court directs the first respondent to dispose of O.A.No.6 of 2017, within a period of three months from the date of receipt of a copy of this order, after affording opportunity to all the parties concerned. Till such time, the status quo initially granted by this Court shall continue.

6. The Writ Petition is ordered accordingly. No costs. Consequently, the connected miscellaneous petition is closed."

2.The petitioners herein had filed an application under Section 64(1) of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 (herein after referred to as Act) before the 2nd respondent/the Joint Commissioner in O.A.No.6 of 2017. On 27.01.2021, a scheme was framed by the 2nd respondent, which was subsequently Gazetted in Virudhunagar District Gazette on 23.07.2021.

3.It appears that the 3rd respondent has filed an appeal before the Commissioner under Section 69(1) of the Act in A.P.No.20 of 2021. The first hearing of the case was held on 08.09.2021 and the next date of hearing is 27.04.2022. Meanwhile, the petitioners have sent a representation asking the respondents to recognize the petitioners as trustees in terms of the scheme dated 27.01.2021 in O.A.No.6 of 2017.

4.Considering the fact that status quo as on date continues, I am inclined to dispose of this writ petition by directing the 1st respondent to consider the petitioners' representation dated



31.12.2021 and dispose of the same on merits and in accordance with law within a period of 4 weeks from today. Both the petitioners and the respondents are directed to cooperate with the Commissioner in the hearing fixed on 27.04.2022, so that the Commissioner can pass appropriate orders in the appeal filed by the 3rd respondent under Section 69(1) of the Act.

5.The writ petition stands disposed of in terms of the above observation. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mm

To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Sivagangai.

+1 CC to M/s.N. DILIPKUMAR, Advocate (SR-19140[F] dated
18/04/2022)

+1 CC to M/s.SPL.GP. (SR-18982[F] dated 18/04/2022)

+1 CC to M/s.P. MAHENDRAN, Advocate (SR-19432[F] dated 19/04/2022)

**W.P. (MD) No.6920 of 2022
13.04.2022**

RD(25.04.2022) 3P 6C