



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. (MD) No.6858 of 2022

and

W.M.P. (MD) Nos.5272 and 5273 of 2022

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M.Rengaramanujam

... Petitioner

/vs./

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

2.The Deputy Commissioner/Executive Officer,
Arulmigu Kallalagar Thirukovil,
Alagarkovil,
Madurai District.

... Respondents

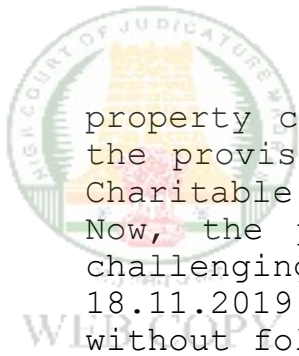
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent in Se.Mu.Na.Ka.No.3731/2018/Aa1/ dated 18.11.2019, quash the same, further directing the respondents to allow the petitioner to perform Mandagapadi to Lord Kallalagar every year during the auspicious Chitrai Festival at Nacharammal Mandagapadi, Alwarpuram, Madurai as per the judgment and decree passed in O.S.No. 169 of 1948 on the file of the Subordinate Judge, Madurai dated 30.09.1949 and O.S.No.768 of 1993 on the file of the Additional District Munsif Court, Madurai, dated 07.02.2001.

For Petitioner	: Mr.S.Ramu
For R1	: Mr.P.T.Thiraviam Government Advocate
For R2	: Mr.K.R.Laxman

ORDER

The petitioner has challenged the impugned order passed by the 1st respondent dated 18.11.2019 appointing the 2nd respondent as a Fit Person.

2.The facts are not in dispute. A settlement deed was executed on 14.02.1912, wherein the Author of the trust had given clear specification as to how the endowed property has to be used and how the temple festival has to be conducted. As per the settlement deed, the Author of the trust had also stipulated that shops may be constructed for generating income for the purpose of endowment. The petitioner appears to be a descendant of the aforesaid Author/Founding Trustee but had sold a huge portion of the trust



property contrary to the wishes of the Author/Founding Trustee and the provisions of Section 36 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (*herein after referred to as Act*). Now, the petitioner has filed this writ petition on 11.04.2022, challenging the impugned proceedings of the 1st respondent dated 18.11.2019. It is submitted that the impugned order has been passed without following the principles of natural justice. The only ground stated in the affidavit is that the property is not found in the property register maintained by the 2nd respondent temple.

3.Opposing the prayer, the learned counsel for the official respondent and the learned counsel for the 2nd respondent temple submit that the writ petition is not maintainable. It is submitted that the writ petition is hopelessly time barred, motivated and filed on the eleventh hour before the Mandagapadi for the Chithirai festival has commenced. That apart, it is submitted that there are several allegations against the petitioner even as per the affidavit filed in support of the writ petition. It is submitted that the petitioner had colluded with the erstwhile Deputy Commissioner and appropriate steps are being taken for cancelling the alienations made hither to. Already patta granted to the alienees have been cancelled.

4.It is submitted that there is no case made out for interference especially at the 11th hour to stall the Mandagapadi, which has been offering by the 2nd respondent. That apart, it is open for the petitioner to challenge the aforesaid order before the Commissioner under Section 21 of the Act.

5.I have considered the arguments advanced by the learned counsel for the petitioner, the learned Government Advocate for the official respondent and the learned counsel for the 2nd respondent.

6.The writ petition is hopelessly time barred and is liable to be dismissed on account of laches. The conduct of the petitioner is also not in tune with the expectations and wishes of the Author of the Founding Trust in the deed executed on 14.02.1912, when properties were dedicated for specific endowment for Arulmigu Kallalagar Thirukovil, Alagarkovil, Madurai. Therefore, I am not inclined to entertain this writ petition. Therefore, this writ petition is liable to be dismissed. However, liberty is given to the petitioner to workout the remedy by filing appropriate application/appeal before the Appellate Commissioner under Section 21 of the Act. If Such an appeal is filed within a period of 30 days from the date of receipt of a copy of this order, the Appellate Commissioner shall consider and dispose of the same expeditiously on merits and in accordance with law. It is needless to state that the 2nd respondent shall also be heard in the said proceedings.



7.The writ petition stands disposed of, in terms of the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

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

2.The Deputy Commissioner/Executive Officer,
Arulmigu Kallalagar Thirukovil,
Alagarkovil,
Madurai District.

+1 CC to M/s.S. RAMU, Advocate (SR-18265[F] dated 12/04/2022)

+1 CC to M/s.K.R. LAXMAN, Advocate (SR-18443[F] dated 13/04/2022)

+1 CC to M/s.SPL.GP. (SR-18374[F] dated 12/04/2022)

W.P. (MD) No.6858 of 2022
12.04.2022

KM(CO)

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