



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2022

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD).No.10939 of 2022

Senthilnathan

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
No.40, Muthusamy Nagar,
Thiruppathur Road,
Sivagangai-630 561.

2.The Executive Officer,
Shri Arulmigu Vishwanathar Agilandeswari Temple,
Ezhuvankottai,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to decide the petitioner's interim prayer which has been sought for in the application, dated 02.06.2022 under Section 63 (e) of the Tamilnadu Hindu Religious and Charitable Endowments Act before 11.06.2022.

For Petitioner

: Mr.C.M.Mari Chelliah Prabhu

For R1

: Mr.P.T.Thiraviam

Government Advocate

For R2

: Mr.G.Madhavan

Standing Counsel

ORDER

The prayer sought for in this writ petition is that the petitioner has sent an application petition under Section 63 (e) to the Joint Commissioner, Sivagangai, dated 02.06.2022 seeking declaration of his right with regard to "Ther Mariyathai".

2. The apprehension of the petitioner is that his brother Ramesh was recently passed away. The wife of Ramesh and their family members might claim customary right. Hence, this writ petition has been filed.



3. The learned counsel for the petitioner submits that the petitioner has sent a petition through post on 02.06.2022, which has been delivered on 03.06.2022. Thereafter, what happened he was not aware of. The function is to be held on 11.06.2022 and his rights are denied.

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4. The learned Government Advocate for the first respondent submits that the petition was received only on 03.06.2022. The proper procedure of filing the writ petition with requisite documents and papers, if everything is in order, it would be numbered and taken up for hearing. If at all the petitioner has any urgency, he has to approach the concerned Joint Commissioner.

5. The learned counsel for the second respondent submits that to ascertain his rights, it needs examination of the witnesses producing evidence and only after the detailed enquiry, the right of the petitioner can be ascertained. This cannot be decided in this writ petition and strongly objects this writ petition.

6. Considering that the petitioner has filed this writ petition merely on an apprehension and there is no materials to entertain this writ petition, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS I)

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Sub Assistant Registrar(CS)

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To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
No.40, Muthusamy Nagar,
Thiruppathur Road,
Sivagangai-630 561.

2.The Executive Officer,
Shri Arulmigu Vishwanathar Agilandeswari Temple,
Ezhuvankottai,
Sivagangai District.

+1 CC to M/s.C.M.MARI CHELLIAH PRABHU, Advocate (SR-24564[F] dated 08/06/2022)

+1 CC to M/s.SPL.GP (SR-24901[F] dated 09/06/2022)

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