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W.P(MD).No.18874 of 202



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD).No.18874 of 2020

V.Asokan

... Petitioner

Vs.

1.The Joint Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Sivagangai.

2.The Assistant Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Virudhunagar.

3.The Executive Officer/Fit Person,
Arulmigu Chokkanathasamy Temple,
Aruppukottai,
Virudhunagar District.

4.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.

...Respondents

*(R4 is suo motu impleaded vide
court order dated 03.11.2022)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd Respondent, dated 12.12.2020, quash the same, as the same is arbitrary, ultravires, and consequently forbear the 3rd Respondent from



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interfering in the management and administration of Arulmigu Muthumalai Vinayagar Temple, Aruppukottai pending disposal of A.P.No.93 of 2019 on the file of commissioner, Hindu Religious and Charitable Endowments Department, Chennai without resorting to Section 101 of Tamil Nadu Hindu Religious and Charitable Endowments Act.

For Petitioner : Mr.R.G.Shankar Ganesh
For R1 & R2 : Mr.N.Ramesh Arumugam
Government Advocate
For R3 : Mr.P.Mahendran

ORDER

This Writ Petition is filed challenging the impugned notice, dated 12.12.2020 and to forbear the 3rd Respondent from interfering in the Management and Administration of Arulmigu Muthumalai Vinayagar Temple, Aruppukottai pending disposal of A.P.No.93 of 2019 on the file of Commissioner, Hindu Religious and Charitable Endowments Department, Chennai without resorting to Section 101 of Tamil Nadu Hindu Religious and Charitable Endowments Act.

2. The Petitioner has challenged the impugned notice, dated 12.12.2020 issued by the 3rd Respondent calling upon the Petitioner to hand over the charge of the Administration and Management of Arulmigu Muthumalai Vinayagar Temple, Aruppukottai on 14.12.2020 to the Fit Person/Thakkar, on



the basis of the order, dated 03.02.2004 passed by the 2nd Respondent. The above order was challenged in W.P.No.5339 of 2004. The learned counsel for the Petitioner drew the attention of this Court to the order, dated 06.03.2004 in W.P.No.5339 of 2004, wherein, this Court had granted interim stay in favour of Petitioner. Thereafter, W.P.No.5339 of 2004 was disposed of on 28.01.2019 by this Court, directing the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Sivagangai, to consider O.A.No.12 of 1997 filed under Section 63(b) of the Hindu Religious and Charitable Endowments Act on merits and pass final orders in accordance with law. The learned counsel for the Petitioner submitted that the Joint Commissioner has passed orders in O.A.No.12 of 1997 dismissing the application filed by the Petitioner.

3. The learned counsel for the Petitioner submitted that aggrieved by the same, the Petitioner filed a statutory appeal before the Commissioner, Hindu Religious and Charitable Endowments Department, Chennai in A.P.No. 93 of 2019. The appeal is still pending on the file of the Commissioner, Hindu Religious and Charitable Endowments Department, Chennai. But, according to him, despite pendency of the appeal, the impugned notice, dated 12.12.2020 has been issued calling upon the Petitioner to hand over the



charge of the Management and Administration of the subject temple to the Fit Person/Thakkar.

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4. In the circumstances, it is submitted by the learned counsel for the Petitioner as well as the learned counsel for the Respondents that direction may be issued to the Commissioner, Hindu Religious and Charitable Endowments Department, Chennai to dispose of the appeal in A.P.No.93 of 2019.

5. In view of the above submission, this Court *suo motu* impleads the Commissioner, Hindu Religious and Charitable Endowments Department, Chennai as 4th Respondent. The 4th Respondent/Commissioner, Hindu Religious and Charitable Endowments Department, Chennai is directed to dispose the appeal in A.P.No.93 of 2019 within a period of eight weeks from the date of receipt of copy of this order. In the meanwhile, the Respondents are directed not to proceed further until the disposal of the appeal in A.P.No. 93 of 2019, which is pending consideration before the 4th Respondent, by which, the rights of the parties will stand decided.



6. With the above direction, the writ petition stands disposed of. No

costs.

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Index : Yes / No

Internet : Yes/ No

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3.The Executive Officer/Fit Person,
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MOHAMMED SHAFFIQ, J.

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