



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).Nos.7457 to 7461 of 2018

and

W.M.P(MD).Nos.7119 to 7123 of 2018

W.P(MD).No.7457 of 2018

K.R.Saravanan

... Petitioner

Vs.

The Joint Commissioner/Executive Officer,
Arulmigu Meenkashi Sundareeswarar Temple,
Madurai.

...Respondent

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 respondent dated 17.03.2018 in proceedings Na.Ka.No.2858/2016/E2 quash the same, as the same is arbitrary, ultravires, in colorable exercise of power, in violation of the principles of natural justice, audi alteram partem and consequentially direct the respondent to consider petitioner's representation dated 02.03.2018 and permit the petitioner to carry on a different business at Door No.77, East Masi Street, Madurai not causing any danger to the safety of the chariots placed at East Masi Street, Maduari.

For Petitioner : Mr.R.G.Shankar Ganesh

For Respondent : Mr.V.R.Shanmuganathan

Standing Counsel

W.P(MD).No.7458 of 2018

P.Nagarajan

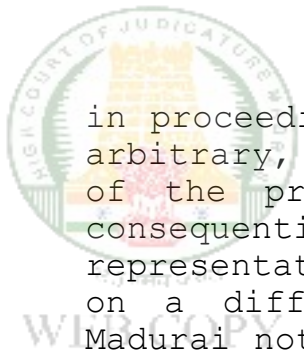
... Petitioner

Vs.

The Joint Commissioner/Executive Officer,
Arulmigu Meenkashi Sundareeswarar Temple,
Madurai.

...Respondent

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 respondent dated 17.03.2018



in proceedings Na.Ka.No.2858/2016/E2 quash the same, as the same is arbitrary, ultravires, in colorable exercise of power, in violation of the principles of natural justice, audi alteram partem and consequentially direct the respondent to consider petitioner's representation dated 02.03.2018 and permit the petitioner to carry on a different business at Door No.32, Swami Sannathi Street, Madurai not causing any danger to the safety of the chariots placed at East Masi Street, Maduari.

For Petitioner : Mr.R.G.Shankar Ganesh
For Respondent : Mr.V.R.Shanmuganathan
Standing Counsel

W.P(MD).No.7459 of 2018

Mohammada Kani

... Petitioner

Vs.

The Joint Commissioner/Executive Officer,
Arulmigu Meenkashi Sundareeswarar Temple,
Madurai. ...Respondent

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 respondent dated 17.03.2018 in proceedings Na.Ka.No.2858/2016/E2 quash the same, as the same is arbitrary, ultravires, in colorable exercise of power, in violation of the principles of natural justice, audi alteram partem and consequentially direct the respondent to consider petitioner's representation dated 02.03.2018 and permit the petitioner to carry on a different business at Door No.78, East Masi Street, Madurai not causing any danger to the safety of the chariots placed at East Masi Street, Maduari.

For Petitioner : Mr.R.G.Shankar Ganesh
For Respondent : Mr.V.R.Shanmuganathan
Standing Counsel

W.P(MD).No.7460 of 2018

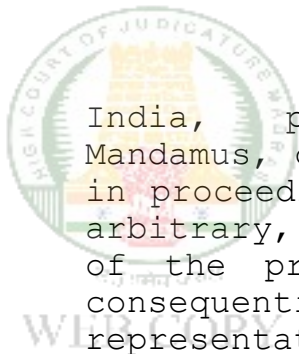
Balamurali

... Petitioner

Vs.

The Joint Commissioner/Executive Officer,
Arulmigu Meenkashi Sundareeswarar Temple,
Madurai. ...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of
<https://hcservices.ecourts.gov.in/hcservices/>



India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent dated 17.03.2018 in proceedings Na.Ka.No.2858/2016/E2 quash the same, as the same is arbitrary, ultravires, in colorable exercise of power, in violation of the principles of natural justice, audi alteram partem and consequentially direct the respondent to consider petitioner's representation dated 02.03.2018 and permit the petitioner to carry on a different business at Door No.81, East Masi Street, Madurai not causing any danger to the safety of the chariots placed at East Masi Street, Maduari.

For Petitioner : Mr.R.G.Shankar Ganesh
For Respondent : Mr.V.R.Shanmuganathan
Standing Counsel

W.P(MD).No.7461 of 2018

P.Kesavan ... Petitioner

Vs.

The Joint Commissioner/Executive Officer,
Arulmigu Meenkashi Sundareeswarar Temple,
Madurai. ...Respondent

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 respondent dated 17.03.2018 in proceedings Na.Ka.No.2858/2016/E2 quash the same, as the same is arbitrary, ultravires, in colorable exercise of power, in violation of the principles of natural justice, audi alteram partem and consequentially direct the respondent to consider petitioner's representation dated 02.03.2018 and permit the petitioner to carry on a different business at Door No.80, East Masi Street, Madurai not causing any danger to the safety of the chariots placed at East Masi Street, Maduari.

For Petitioner : Mr.R.G.Shankar Ganesh
For Respondent : Mr.V.R.Shanmuganathan
Standing Counsel

ORDER

After hearing the learned counsel for the petitioner and the learned counsel for the respondents, this writ petition is disposed of in terms of the decision of the Hon'ble Supreme Court in **S.Kumar Vs Commissioner and others** vide order dated 08.04.2019 in Civil Appeal Nos.3461-3505 of 2019 (Arising out of S.L.P.(C) Noss3007-3051 of 2019).



2. The Hon'ble Supreme Court considered the provisions of the HR&CE Act in the light of the fire accident in the temple and had reversed the order of the learned Single Judge of the Division Bench. The relevant portion of the Hon'ble Supreme Court in **S.Kumar Vs Commissioner and others** vide order dated 08.04.2019 in Civil Appeal Nos.3461-3505 of 2019 reads as under:

15. It is for this reason, we are inclined to allow these appeals, set aside the impugned order and grant liberty to the respondents to take recourse to the remedies provided to them against the appellants individually in relation to the controversy raised by them in these proceedings.

16. Needless to say, we have not gone into the merits of the claim raised by the appellants whether individually or/and severally. The respondents will, therefore, be at liberty to proceed in the matter in question against the appellants individually strictly in accordance with law uninfluenced by any observations made by this Court.

3. In view of the above, the impugned order stands quashed with a liberty to the respondents to initiate appropriate proceedings in accordance with law in terms of the above decision. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar(CS)

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To

The Joint Commissioner/Executive Officer,
Arulmigu Meenkashi Sundareeswarar Temple,
Madurai.

W.P (MD) .Nos.7457 to 7461 of 2018
18.02.2022

RD(03.03.2022) 4P 2C