



W.P. (MD) No. 24179 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2022

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 24179 of 2018

M.Jeevanantham Poosari

... Petitioner

Vs.

- 1.The Commissioner of HR & CE,
Hindu religious and Charitable Endowments,
Mahatma Gandhi Salai,
Nungambakkam,
Chennai-600 034.
- 2.The Joint Commissioner of HR & CE,
Hindu Religious and Charitable Endowments Department,
Madurai.
- 3.P.Ganesan Ambalam
- 4.M.Durraj Ambalam
- 5.P.Varatharaj Ambalam
- 6.A.Mandaichamy Ambalam
- 7.K.Ganesan
- 8.Subramanian Ambalam
- 9.Mookaiya Pillai
- 10.A.Nithiyanandan
- 11.S.Vasantha

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12.M.Chockalingam

13.Karuppiah

14.J.Poongathai

15.C.Aaiye

16.A.Palanikumar

17.M.Dharmaraj

18.V.Gurusamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in R.P.No.319/2017 D2 on the file of the first respondent dated 02.07.2018 and quash the same as illegal and consequently for a direction directing the Respondents to include the Petitioner in the Board of Trustees in the Arulmigu Harihara Puthira Satha Ayyanar and Sundara Vinayagar Temple, Sathamangalam, Melur Taluk, Madurai District by modifying the existing scheme in view of the Section 47(1)(a) of the TN Hindu Religious & Charitable Endowments Act, 1959.

For Petitioner : Mr. T.Lajapathi Roy

For R1 & R2 : Mr. P.Subbaraj

Special Government Pleader

For R3, R5 to R8 & R10 : Mr. Babu Rajendran

ORDER



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Heard Mr. T.Lajapathi Roy, Learned Counsel for the Petitioner, Mr. P.Subbaraj, Learned Special Government Pleader, who takes notice for the First and Second Respondents and Mr. Babu Rajendran, Learned Counsel for the Third, Fifth to Eighth and Tenth Respondents and perused the materials placed on record apart from the pleadings of the parties.

2. The Petitioner, who had sought for inclusion of a member of the Schedule Caste community as a Trustee of Arulmighu Harihara Puthira Satha Ayyanar and Sundara Vinayagar Temple, Sathamangalam, Melur Taluk, Madurai District, in terms of Section 47(1)(a) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as 'the HR & CE Act' for short), had made an application to implead himself as a Respondent in then pending application in O.A. No. 9 of 2005 for modification of the scheme for the administration of that Temple under Section 65(4) of the Act, but it was rejected by order dated 18.05.2017 in M.P. No. 14 of 2017 passed by the Second Respondent, which has been confirmed in Revision by order dated 02.07.2018 in R.P. No. 319 of 2017 D2 passed by the First Respondent, which is assailed in this Writ Petition.



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3. It has been brought to notice that the proceedings in O.A. No. 9 of 2005 has been dismissed as not pressed on 16.08.2018 by the Second Respondent. In that backdrop, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioner to file a fresh application under Section 64(5) of the Act for modification of the scheme for the administration of Arulmigu Harihara Puthira Satha Ayyanar and Sundara Vinayagar Temple, Sathamangalam, Melur Taluk, Madurai District and he has also made an endorsement to that effect in the court record.

4. In the result, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. No costs.

14.12.2022

Index : Yes/No

Internet : Yes/No

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Note: Issue order copy on 25.01.2023

To

1.The Commissioner of HR & CE,
Hindu religious and Charitable Endowments,

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Mahatma Gandhi Salai,
Nungambakkam,
Chennai-600 034.

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2.The Joint Commissioner of HR & CE,
Hindu Religious and Charitable Endowments Department,
Madurai.



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P.D.AUDIKESAVALU,J.

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