



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.02.2022
CORAM

THE HONOURABLE MR. JUSTICE C.SARAVANAN

WEB COPY

Writ Petition (MD)No.13820 of 2018
and
W.M.P. (MD)Nos.12549 & 12560 of 2018

Arulmigu Vandikaruppanswamy Temple,
Thangammappatty,
Vedasandur Taluk,
Dindigul District,
Through its Hereditary Trustee,
A.Renganathan.

.. Petitioner

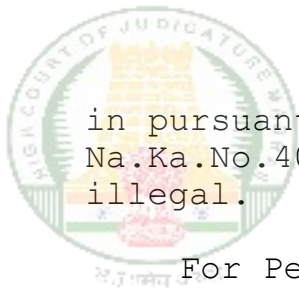
Versus

- 1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Madurai.
- 3.The Executive Officer,
Arulmigu Vandikaruppanaswamy Temple,
Thangammappatty,
Vedasandur Taluk,
Dindigul District.
- 4.P.Rajendran
- 5.A.Karuppiah
- 6.P.Murugan
- 7.G.Kaliappan
- 8.P.Ayyanan Ambalam
- 9.G.Chinnasamy
- 10.M.Perumal

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Certiorari to call for the records

<https://hcservices.ecourts.gov.in/hcservices/>



in pursuant to the impugned order passed by the second respondent in Na.Ka.No.4059/2018/Aa1, dated 07.06.2018 and quash the same as illegal.

For Petitioner : Mr.X.Sumalatha
for Ms.P.Kalaiyarasi Bharathi
For R1 and R2 : Mr.P.Subbaraj
Special Government Pleader
For R3 to R10 : No Appearance

ORDER

The petitioner has challenged the impugned order bearing reference Na.Ka.No.4059/2018/Aa1, dated 07.06.2018, passed by the second respondent Joint Commissioner of HR and CE Department. By the impugned order, the second respondent has permitted the private respondents herein to collect daily/weekly collections and to account for the same as special office of the Arulmigu Vandikaruppanaswamy Temple, Thangammampatty, Veda sandur Taluk, Dindigul District.

2.The petitioner is represented by one A.Renganathan, who claims to be the hereditary trustee of the aforesaid Arulmigu Vandikaruppanaswamy Temple, Thangammampatty, Veda sandur Taluk, Dindigul District.

3.The private respondents herein filed Original Application No.7 of 2018 under Section 63(e) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 before the second respondent. The said application was filed to declare that the private respondents are entitled to perform the customary religious ceremonies in Arulmigu Vandikaruppanaswamy Temple, Thangammampatty, Veda sandur Taluk, Dindigul District, as per the custom and usage in vogue.

4.In Original Application No.7 of 2018, the private respondents had also filed I.A.No.16 of 2018 restraining petitioner from interfering with the affairs of the aforesaid Arulmigu Vandikaruppanaswamy Temple, Thangammampatty, Veda sandur Taluk, Dindigul District. The second respondent therefore passed an interim order dated 02.05.2018 and restrained the petitioner from interfering with the affairs of the aforesaid Temple.

5.During the interregnum, the petitioner also filed a revision petition before the first respondent in R.P.No.60 of 2018-D2 against the interim order. The petitioner also approached the Principal Seat of this Court in W.P.No. 12207 of 2018. The said writ petition was disposed by order dated 10.05.2018, by directing the first respondent to decide the interim applications in respect of the order of the second respondent dated 02.05.2018, within a period of



two weeks and thereafter, the first respondent to deal with the main revision petition in due course by providing an opportunity of hearing to all parties concerned.

6.The first respondent, by order dated 04.06.2018 in I.A.No.1 of 2018 in R.P.No.60 of 2018-D2, stayed the operation of the order of the second respondent in I.A.No.16 of 2018 in Original Application No.7 of 2018. Thereafter, the impugned order bearing Na.Ka.No.4059/2018/Aa1, dated 07.06.2018 was passed by the second respondent Joint Commissioner, HR and CE Department, appears to have initially granted an order of interim stay of order dated 28.11.2020, of the second respondent and had listed the case for hearing on 27.10.2021.

7.Aggrrieved by the same, the petitioner filed A.P.No.6 of 2021-D2 before the Commissioner, H.R. & C.E. Department under Section 69 (1) of the H.R. & C.E. Act. The petitioner also filed M.P.No.1 of 2021 in A.P.No.6 of 2021-D2. The Commissioner appears to have initially granted an order of interim stay of the order dated 28.11.2020 of the second respondent - Joint Commissioner and had listed the case for hearing on 27.10.2021.

8.It is reported that A.P.No.6 of 2021-D2 filed under Section 69(1) of H.R & C.E Act, against order dated 28.11.2020 of the Joint Commissioner allowing O.A.No.7 of 2018, is pending in view of the pendency of the present Writ Petition. Hence, this Court directs the first respondent-Commissioner to dispose A.P.No.6 of 2021-D2, within a period of six weeks from the date of receipts of a copy of this order. The order to be passed in the said appeal will set at rest. Needless to state that all the parties shall be heard before the final order is passed.

9.This Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

smn2

To

1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>



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

3.The Executive Officer,
Arulmigu Vandikaruppanaswamy Temple,
Thangammappatty,
Vedasandur Taluk,
Dindigul District.

+1 CC to M/s.P.KALAIYARASI BHARATHI, Advocate (SR-8633[F] dated
25/02/2022)

+1 CC to M/s.SPL GP (SR-8382[F] dated 24/02/2022)

WP (MD) No.13820 of 2018
23.02.2022

SK(CO)
KB(05.03.2022) 4P 6C