



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2022

CORAM

THE HONOURABLE MR. JUSTICE C.SARAVANAN

Writ Petition (MD)No.22977 of 2015

&

M.P. (MD)No.2 of 2015

and

W.P. (MD)No.657 of 2016

&

W.M.P. (MD)Nos.537 & 538 of 2016

WEB COPY

W.P. (MD)No.22977 of 2015:-

Arulmigu Kailasanatha Swamy Thirukoil,
Rep. by its Hereditary Trustee cum Managing Trustee,
RM.VR.Arunachalam,
S/o.Veerappa Chettiar,
T.T. Nagar,
Karaikudi,
Sivagangai District.

.. Petitioner

Versus

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Sivagangai.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Paramakudi.
- 3.The Fit Person/Executive Officer,
Arulmigu Muthu Mariamman Thirukoil,
Karaikudi,
Sivagangai District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the impugned order of the second respondent herein dated 24.10.2014, in Proceedings Na.Ka.No.3537/2012/A8/2 and the notice dated 16.12.2015 of the third respondent herein and quash the same.

W.P. (MD)No.657 of 2016:-

Arulmigu Alagia Nachiamman Thirukoil,
Rep. by its Hereditary Trustee,
RM.Solaimalai,
S/o.Ramasamy,
56-A, Raja Street,
Kanadukathan,
Karaikudi Taluk,
Sivagangai District.

.. Petitioner

Versus



- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Sivagangai.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Paramakudi.
- 3.The Fit Person/Executive Officer,
Arulmigu Muthu Mariamman Thirukoil,
Karaikudi,
Sivagangai District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the impugned order of the second respondent herein dated 24.10.2014, in Proceedings **Se.Mu.Na.Ka.No.3537/2012/A8/2** and the notice dated 09.10.2015 of the third respondent herein and quash the same.

For Petitioner (in both the W.Ps.)	:	Mr.Kathiravan for Mrs.AL.Ganthimathi
For RR1 & 2 (in WP (MD) No.22977/2015)	:	Mr.P.T. Thiraviam Government Advocate
For R1 and R2 (in WP (MD) No.657/2016)	:	Mr.P.Subbaraj Special Government Pleader
For R3 (in both the W.Ps.)	:	Mr.C.Guhaseelarupan

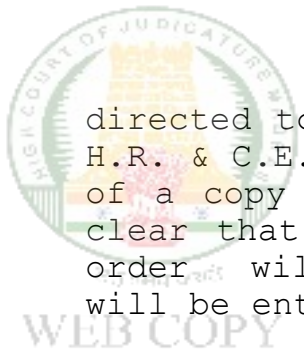
COMMON ORDER

After hearing the learned counsel for the petitioner in the respective writ petitions and the learned Special Government Pleader for the respondents 1 and 2 and the learned counsel for the third respondent - fit person/Executive Officer, these writ petitions are disposed of in the light of the fact that the petitioners have continued to occupy the position of the Hereditary Trustee, in the light of the interim order passed by this Court at the time of admission.

2.Whether the petitioner is indeed entitled to officiate the affairs of the Temple as Hereditary Trustee or not has to be determined in accordance with Section 63(b) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 [hereinafter referred to as 'the H.R. & C.E. Act'].

3.Therefore, the status quo as on today shall continue for a period of six months from today. Meanwhile, the petitioner is

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



directed to file appropriate application under Section 63(b) of the H.R. & C.E. Act, within a period of 30 days from the date of receipt of a copy of this order before the first respondent. It is made clear that if no such application is filed within such time, this order will automatically stand revoked and the third respondent will be entitled to take charge of the Temple.

4. These Writ Petitions stand disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (P&A)

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Sivagangai.
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Paramakudi.
3. The Fit Person/Executive Officer,
Arulmigu Muthu Mariamman Thirukoil,
Karaikudi,
Sivagangai District.

+1 CC to M/s.C.GUHASEELARUPAN, Advocate (SR-15259[F] dated 30/03/2022)

+1 CC to M/s.AL.GANTHIMATHI, Advocate (SR-15459[F] dated 30/03/2022)

+1 CC to M/s.SPL GP (SR-15357[F] dated 30/03/2022)

WP (MD) Nos.22977 of 2015 and 657 of 2016
29.03.2022

MGJ(07.04.2022) 3P 7C