



W.P.(MD).No.25078 of 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 16.11.2022**

**CORAM**

**THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ**

**W.P.(MD).No.25078 of 2022**

**and**

**W.M.P.(MD).Nos.19178, 19179 and 19180 of 2022**

AR. CT Narayanan

... Petitioner

**Vs.**

1.The Commissioner,  
Tamil Nadu Hindu Religious and Charitable Endowments Department,  
Chennai – 34.

2.The Joint Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Sivagangai.

3.L.M.Lakshmanan

4.The Secretary to Government,  
Hindu Religious and Charitable Endowments Department,  
Chennai.

...Respondents

*(R-4 is suo motu impleaded vide court order dated 16.11.2022 in  
W.P.(MD).No.25078 of 2022)*

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India,  
praying this Court to issue a Writ of Certiorarified Mandamus, to call for the  
records pertaining to the impugned order passed by the 1<sup>st</sup> Respondent in



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SMNK No.4486/2021/A2 dated 16.02.2021 in which appointed the 3<sup>rd</sup> Respondent as trustee for Arulmigu Sree Kailasanathar Samy sametha Nithiyakalyani Amman Temple, Ilayathakudi, Thirupathur Taluk, Sivagangai District for the year 2022-23 and to quash the same as it is illegal and violation of scheme decree attached with the temple.

For Petitioner : Mr.S.Madhavan  
For R-1, R-2 and R-4 : Mr.N.Ramesh Arumugam,  
Government Advocate.  
For R-3 : Mr.S.Sithirai Anandam

**ORDER**

The Writ Petition is filed challenging the order dated 16.02.2021 by which the 3<sup>rd</sup> Respondent is appointed as a Trustee for Arulmigu Sree Kailasanathar Samy sametha Nithiyakalyani Amman Temple, Ilayathakudi, Thirupathur Taluk, Sivagangai District for the year 2022-23.

2. It is submitted by the learned Government Advocate appearing for the Respondents 1, 2 and 4 that in respect of the very same impugned order, this Court has issued a direction in W.P.(MD).No.3640 of 2022 vide order dated 28.02.2022, wherein, the petitioner was granted an opportunity to file a petition under Section 114 of the Hindu Religious and Charitable Endowments Act with certain timelines. The relevant portion of the order reads as follows:



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*“6.Considering the fact that the petitioner has asked for a Mandamus to direct the 1st respondent to pass orders on the representation of the petitioner dated 29.09.2021, this writ petition stands disposed of, by directing the petitioner to file a appropriate petition against the impugned order dated 16.02.2021 before the appropriate authorities under Section 114 of the Act, within a period of 15 days from the date of receipt of a copy of this order. In case, such petition is filed by the petitioner within such time, the authorities shall pass appropriate orders on merits and in accordance with law on the same preferably within a period of 30 days therefrom. It is needless to state that before passing such orders, the 3rd respondent and other members of the family shall also be heard. No costs. Consequently, connected miscellaneous petitions are closed.”*

Pursuant thereto, the writ petitioner had filed a petition under Section 114 of the Hindu Religious and Charitable Endowments Act. It is not clear whether the said petition was in compliance with the timelines stipulated by this Court, though the learned Government Advocate would submit that the petition was submitted only on 2<sup>nd</sup> of May, 2022, i.e., after the timelines set out granting liberty to file an application under Section 114 of the Hindu Religious and Charitable Endowments Act in the earlier Writ Petition in W.P.(MD).No.3640



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of 2022 had expired. However, it is submitted by the learned counsel for the petitioner that the petition under Section 114 of the Act has been filed within the timelines set out in the earlier Writ Petition. However, the petitioner is now aggrieved by the fact that the 1<sup>st</sup> Respondent has not passed any orders within the timelines set out in the earlier order.

3. It is submitted that the 4<sup>th</sup> Respondent is the authority to decide the application filed under Section 114 of the Act has not been made a party to the present Writ Petition. In view of the same, the Secretary to Government, Hindu Religious and Charitable Endowments Department, Chennai, is *suo motu* impleaded as the 4<sup>th</sup> Respondent in the present Writ Petition. It is open to the 4<sup>th</sup> Respondent to consider if the application under Section 114 of the Act has been filed within the period prescribed by this Court in W.P.(MD).No.3640 of 2022, inasmuch as it is submitted by the learned Government Advocate for the Respondents that the said application has not been made within the period set out therein. If it is found that the application is made within the period granted in W.P.(MD).No.3640 of 2022, the 4<sup>th</sup> Respondent shall dispose of the application filed under Section 114 of the Act within a period of six (6) weeks from the date of receipt of a copy of this order.



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4. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No  
Internet : Yes/ No  
Lm

To

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**MOHAMMED SHAFFIQ, J.**

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