



W.P.No.10528 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.10528 of 2016 and
M.P.No.9227 of 2016

L.Shanmugam

.. Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments
(Administration) Department,
Nungambakkam, Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments
(Administration) Department,
Nungambakkam, Chennai - 600 034.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments
(Administration) Department,
Nungambakkam, Chennai - 600 034.
4. Fit Person/Executive Officer,
A/m.Selva Vinayagar and Gondhada Ramar Temple,
West Tambaram, Kanchipuram District also Fit Person of
A/m.Desamuthu Mariamman Tomb @ Desamma Temple
(Samadhi) situate at Old Perungalathur,
Chennai - 600 063.

5. M.Vijayalakshmi

6. M.Viswanathan

.. Respondents



W.P.No.10528 of 2016

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Prayer : Writ Petition has been filed under Article 226 of the Constitution of India seeking a Writ of Certiorari calling for the entire records pertaining to the impugned communication dated 14.03.2016, issued by the 4th respondent and quash the same.

For Petitioner : Mr.V.Srikanth

For Respondents 1 to 3 : Mr.P.Rajendran
Additional Government Pleader

For Respondents 4 to 6 : No appearance

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ORDER

Challenging the impugned notice dated 14.03.2016, issued by the fit person / the 4th respondent herein directing the petitioner to handover possession, the documents and charge of the temple to him.

2. The main ground on which the impugned notice is challenged is that as against the appointment of fit person, a revision has been filed in R.C.No.14 of 2012 before the Commissioner and the same was dismissed and as against the same a writ petition in W.P.No.3378 of 2013 has been



W.P.No.10528 of 2016

filed before this Court and this Court while admitting the writ petition passed an order of status quo and the said order still continues and the said writ petition is also pending. Ignoring the above orders of this Court, the impugned notice dated 14.03.2016 has been passed. Hence the same has been challenged in this writ petition.

3. Counter has not been filed by the respondents in this matter.

4. As rightly pointed out by the learned counsel appearing for the petitioner when the very appointment is challenged and order of status quo is granted by this Court, impugned notice has been issued. That apart, the petitioner has also filed a separate suit in O.S.No.226 of 2015 before the Sub Court, Tambaram and it appears that the respondents have been set ex-parte and now they have filed an application to set aside the ex-parte decree, which is not disputed.

5. Such view of the matter, when the Civil Court is already seized of the matter with regard to the right of the petitioner and this Court has also passed an order of status quo, the question of handing over possession does not arise at all. Accordingly, the impugned notice is liable to be set aside and



W.P.No.10528 of 2016

accordingly set aside and the writ petition is allowed. Consequently, the

connected miscellaneous petition is closed. No costs.

30.01.2023

Index : Yes / No

Neutral Citation : Yes / No

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W.P.No.10528 of 2016

N.SATHISH KUMAR, J.

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