



W.P.No.21036 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.21036 of 2023

K.R.Palanichamy

...Petitioner

Vs.

- 1.The Commissioner
Hindu Religious & Charitable
Endowment Administration Department
Uthamar Gandhi Road
Nungambakkam
Chennai 600 034.
- 2.The Join Commissioner
Hindu Religious and Charitable
Endowment Administration Department
Salem.
- 3.The Fit Person/Executive Officer
Arulmighu Meenakshi Chokkanathar Temple
Mettur Dam
at Arulmigu Alagirinathar Temple
Salem City
Salem.
- 4.C.Kuppusamy
- 5.S.Rajesh @ Mahadevan
- 6.P.Ramasamy
- 7.S.Mylsamy
- 8.P.Ramar

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent to take charge as fit person of the Arulmigu Kottai Periyamariamman Kovil, Kottaiyur, Mettur, Salem District for better administration of said temple and discharging his duty based on impugned order passed by the second respondent dated 13.11.2015.

For Petitioner : Mr.S.Periasamy

For Respondents : Mr.K.Karthikeyan for R1 to R3
Government Advocate (HR & CE)

ORDER

The petitioner herein seeks a direction to the third respondent to take charge as fit person of the Arulmigu Kottai Periyamariamman Kovil, Kottaiyur, Mettur, Salem District.

2. According to the petitioner, he is a permanent resident of Arulmigu Kottai Periyamariamman Kovil, Kottaiyur, Mettur, Salem District, which is under the administration of the respondents 4 to 8.



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3. It is the case of the petitioner that the respondents 4 to 8 committed certain irregularities in the administration. Therefore, the petitioner filed an application before the second respondent seeking appointment of fit person to the said temple. When the petition filed by the petitioner was pending the second respondent appointed the third respondent as fit person of the temple.

4. The respondents 4 to 8 preferred an appeal challenging the order appointing the third respondent as fit person before the first respondent and the same was allowed on 13.11.2015 with liberty to the respondents 4 to 8 to file an application under Section 63 (b) of the Hindu Religious & Charitable Endowments Act. Subsequently, the respondents 4 to 8 filed an application under Section 63 (b) of the Hindu Religious & Charitable Endowments Act, to declare that the trusteeship of the above said temple is hereditary. The said application came to be dismissed by the second respondent.

5. Therefore, it is the case of the petitioner that there is no impediment for the third respondent to assume charge as fit person and consequently he approached this Court with the above prayer.



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6. Mr.K.Karthikeyan, learned Government Advocate appearing for the respondents 1 to 3 on instructions submitted that challenging the order passed by the second respondent dismissing the application filed by the respondents 4 to 8 under Section 63 (b) of the Hindu Religious & Charitable Endowments Act, they preferred an appeal in A.P.No.27 of 2021 before the first respondent and the first respondent passed an order of status quo.

7. In view of the fact that appeal is pending before the first respondent in A.P.No.22 of 2021 and also fact that the first respondent also ordered status quo the third respondent is not in a position to assume charge as fit person.

8. In these circumstances, the directions sought for by the petitioner cannot be granted by this Court.

9. However, a direction is issued to the first respondent to dispose of the appeal pending in A.P.No.27 of 2021 within a period of 12 weeks from the date of receipt of copy of this order.



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10. With the above direction, this Writ Petition is disposed of. No costs.

18.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

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S.SOUNTHAR, J.

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