



W.P. No. 27623 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

**W.P. No. 27623 of 2023
and
W.M.P. No. 27085 of 2023**

A.Vadivelu

... Petitioner

-VS-

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Erode.
 2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Erode.
 3. N.Devaraj
 4. Arulmigu Sri Pancha Karupparayan Swamy Thirukoil,
Kondayampalayam – 638 505,
Gobichettipalayam Taluk,
Erode District.
- Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the Second Respondent by Proceedings in Se. Mu. Tha. Ka. No. 2224/2023/A3 dated 22.05.2023 and quash the same and consequently direct the Respondents to desist from interfering in any manner within the



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administration of Arulmigu Pancha Karupparayan Swamy Thirukoil situated in
Kondayampalayam – 638 505, Gobichettipalayam Taluk, Erode District.

For Petitioner : Mr. P.Saravana Sowmiyan

For Respondents : Mr. N.R.R.Arun Natarajan,
Special Government Pleader
(for R1 & R2)

Mr. MA.P.Thangavel (for R3 & R4)

ORDER

Heard Mr. P.Saravana Sowmiyan, Learned Counsel for the Petitioner,
Mr. N.R.R.Arun Natarajan, Learned Special Government Pleader appearing for
the First and Second Respondents and Mr. MA.P.Thangavel, Learned Counsel
for the Third and Fourth Respondents and perused the materials placed on
record, apart from the pleadings of the parties.

2. The Petitioner has filed this Writ Petition challenging the Order in Se.
Mu. Tha. Ka. No. 2224/2023/A3 dated 22.05.2023 passed by the Second
Respondent appointing the Third Respondent as the hereditary trustee of the
Temple of the Fourth Respondent.



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3. When it was pointed out that the Petitioner has got an effective alternative remedy under Section 26(3) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, against the impugned order, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition with liberty to resort to the aforesaid procedure and he has made an endorsement to that effect in the court record.

In view of the same, the Writ Petition is dismissed as withdrawn granting such liberty. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 19.09.2023, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. Consequently, the connected Miscellaneous Petition is closed. No costs.

02.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 16.11.2023.

ns1/vjt



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To

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1. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Erode.
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Erode.
3. The Executive Officer,
Arulmigu Sri Pancha Karupparayan Swamy Thirukoil,
Kondayampalayam – 638 505,
Gobichettipalayam Taluk,
Erode District.



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P.D. AUDIKESAVALU, J.

nsI/vjt

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