



WEB COPY



W.A.No.209 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.209 of 2023

The Fit Person

A/m. Angala Parameshwariamman Temple
Light House Road (Kennedy Theatre Behind)
Venkatakrishna Road Junction
R.S.Puram, Coimbatore – 641 002.

.. Appellant

Vs

1. A.Aruchamy

2. The Joint Commissioner
Hindu Religious Charitable and
Endowment Department
Balasundram Road
Coimbatore.

3. The Assistant Commissioner
Hindu Religious Charitable and
Endowment Department
Kovai.

.. Respondents

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 13.9.2022 passed by the learned Single Judge in W.P.No.22006 of 2022.



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For the Appellant : Mr.R.Rajesh Vivekananthan

For the Respondents : Ms.V.S.Usha Rani
for 1st respondent

: Mr.N.R.R.Arun Natarajan
Special Government Pleader
(HR & CE)
for respondents 2 and 3

JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

This writ appeal has been directed against the impugned interim order dated 13.9.2022 passed in W.P.No.22006 of 2022, whereby the learned Single Judge, while keeping the writ petition pending for final disposal, has directed the appellant to hand over the charge of the temple to the writ petitioner/first respondent herein, without causing any inconvenience to the public, on the ground that the proceedings of the third respondent herein dated 1.2.2022 in Na.Ka.No.1918/2015/A6 appointing the appellant herein as a Fit Person was passed in gross violation of the principles of natural justice.

2. The affidavit filed in support of the writ petition shows that third respondent has appointed the appellant as the Fit Person for the



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administration of Arulmigu Angala Parameshwariamman Temple vide proceedings dated 1.2.2022 and, subsequently, the appellant took over the charge *suo motu* without issuing any show cause notice to the trustees of the temple. The writ petition has been filed raising a specific plea that the writ petitioner/first respondent herein, being the de facto trustee, was not served within any notice before appointing the appellant herein as the Fit Person.

3. The learned Single Judge, vide the impugned interim order dated 13.9.2022, accepting the claim of the writ petitioner/first respondent herein that the order dated 1.2.2022 was passed by the third respondent behind the back of the writ petitioner/first respondent herein, directed the appellant to hand over the charge to the writ petitioner/first respondent herein.

4. On a bare perusal of the impugned interim order passed by the learned Single Judge, it is explicitly clear that the learned Single Judge noted that the order passed by the third respondent appointing the appellant as the Fit Person was in gross violation of the principles of natural justice. If the appellant and respondents 2 and 3 have



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documents to justify the passing of the proceedings dated 1.2.2022, they can place the same before the learned Single Judge and contest the case. Inasmuch as the writ petition is still pending and the appellant and respondents 2 and 3 can very well contest their case before the learned Single Judge, we do intend to interfere with the interim order passed by the learned Single Judge.

5. We, therefore, dismiss this appeal with liberty to the appellant and respondents 2 and 3 to file detailed counter affidavits with supporting documents. It is made clear that, if the pleadings are complete, the learned Single Judge may proceed with the matter expeditiously and dispose of the same on merits. There will be no order as to costs. Consequently, C.M.P.No.2110 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
07.02.2023

Index : No
Neutral Citation : No
sasi



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THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

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