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W.A. No. 2566 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2023

CORAM

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.A. No. 2566 of 2022

&

C.M.P. No. 20242 of 2022

Sri Annamalainathar Temple,
Kadayanallur Village,
rep. by its Managing Trustee,
Shri K. Balasubramanian
Having Office at No.48,
Kariamamikkamperumal Temple,
South Lane, Kadayanallur Taluk,
Tenkasi District.

..Appellant

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary,
Department of Tourism, Culture
and Religious Endowments,
Fort St. George,
Chennai – 600009.
2. The Commissioner,
Hindu Religious and Charitable Endowments
Department,
Nungambakkam, Chennai – 600 034.



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3. The Executive Officer,
Sri Gopalakrishnaswamy Temple,
Krishnapuram, Kadayanallur Taluk,
Tenkasi District.
4. The Joint Commissioner,
Hindu Religious & Charitable
Endowments Department,
Tirunelveli District.
5. The Joint Commissioner,
Hindu Religious & Charitable
Endowments Department,
Thoothukudi District.
6. The Assistant Commissioner,
Hindu Religious & Charitable
Endowments Department,
Tenkasi District.
7. The Inspector,
Hindu Religious & Charitable
Endowments Department,
Puliyankudi, Tirunelveli District.
8. S.S. Haja Mohaiden ..Respondents

Prayer: Writ Appeal as against the order dated 17.11.2022 passed in
W.P. No. 10560 of 2022.

For Appellant :: Mr.G. Rajagopalan
Senior Counsel for
Mr.S. Parthasarathy



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For Respondents :: Mr.R. Shanmuga Sundaram
Advocate General assisted by
Mr.N.R.R.Arun Natarajan,
Special Govt. Pleader &
Ms. Sakina for
R1 to R7

J U D G M E N T

(Delivered by S.Vaidyanathan,J.)

The present intra court appeal is directed against the order dated 17.11.2022 passed in W.P. No. 10560 of 2022, by which the writ petition filed by the appellant Temple challenging the order passed by the 2nd respondent/ Commissioner, Hindu Religious and Charitable Endowments appointing the 6th respondent herein as the Executive Officer of the said temple came to be dismissed on the ground that the cause of action had arisen within the territorial limits of jurisdiction of Madurai Bench of this Court and therefore, the writ petition cannot be entertained by the Principal Seat at Chennai.

2. Heard the submissions of both sides.

3. The only issue before this Court in this appeal is whether as against the order of the 2nd respondent, the writ petitioner needs to knock at



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the doors of Madurai Bench of Madras High Court or seek relief before the Principal Seat at Chennai.

4. Though the learned Single Judge has passed an elaborate order while dealing with the issue, in the light of the judgments of this Court in *Sanjos Jewelers V. Syndicate Bank* reported in (2007) 5 CTC 305 (FB); *B. Stalin V. The Registrar, Supreme Court of India & 3 others* reported in (2012) 4 CTC 113 (FB) and *M/s. ORJ Electronics Oxides Ltd. V. Customs, Excise and Service Tax Appellate Tribunal (South Zonal Bnech) & another* reported in 2008-1-L.W. 774 (DB), the order of the learned Single Judge is interfered with and the writ petition is remitted back to the learned Single Judge to be heard on merits at the Principal Seat at Chennai. We reiterate that we have not expressed any opinion on the merits of the matter.

5. Registry is directed to list the matter before the portfolio Judge dealing with the subject after taking his consent.

6. The Writ Appeal stands allowed with the above observation. No costs. Connected C.M.P. is closed.

nv

(S.V.N.J.) (K.R.S.J.)
16.06.2023



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S. VAIDYANATHAN, J.
and
K. RAJASEKAR, J.

This writ appeal was allowed by this Bench on 16.06.2023.

2 At the instance of the learned counsel for the appellants, this writ appeal is listed today under the caption “for being mentioned.”

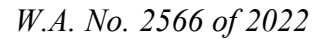
3 When this Bench allowed this writ appeal on 16.06.2023, it was made clear that the interim order granted in the writ petition will stand restored, which observation was not incorporated in the order dated 16.06.2023.

4 In view of the above, the Registry is directed to incorporate the following sentence at the end of paragraph 6 of the order dated 16.06.2023 and issue fresh order copy:

“It is made clear that the interim order granted in the writ petition shall stand restored.”

(S.V.N., J.) (K.R.S., J.)
18.07.2023

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- <https://www.mhc.tn.gov.in/judis>



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