



W.P. (MD) No. 89 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 89 of 2021

and

W.M.P. (MD) Nos. 96 and 3983 of 2021

Krishnamoorthy

... Petitioner

/Vs./

1.The Assistant Commissioner,
H.R & C.E. Department, Tirunelveli.

2.The Executive Officer,
Arulmighu Palayamchalai Kumaraswamy Thirukoil,
Sindupoondurai, Tirunelveli.

3.P.Shanmugam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorari, to call for the records of the impugned communication of the 2nd respondent dated 28.12.2020 and quash the same.

For Petitioner : Mr. G.Prabhu Rajadurai

For Respondents : Mr. T.Villavankothai (R1)
Additional Government Pleader

Mr. Guhaseelarupan (R2 & R3)



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ORDER

Heard Mr. G.Prabhu Rajadurai, Learned Counsel for the Petitioner, Mr. T.Villavankothai, Learned Additional Government Pleader for the First Respondent and Mr. Guhaseelarupan, Learned Counsel for the Second and Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner is that by Proceedings dated 28.12.2020, the Third Respondent has been called upon to hand over charge to Fit Person appointed for Arulmighu Muppidari Amman Thirukoil (hereinafter referred to as 'the Temple' for short) by Proceedings Na. Ka. No. 3965/2004/E1 dated 18.12.2006 passed by the First Respondent, which has not been served to the Petitioner and that the said order had been sent to one K.Anand @ Arumugam and Chellappa as Trustees of the Temple.

3. Inasmuch as the Respondents have not been able to establish that the Proceedings in Na. Ka. No. 3965/2004/E1 dated 18.12.2006 passed by the First Respondent had been served on the Petitioner, it is not possible to accept the contention that the Fit Person appointed in that order is entitled to deal with the



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administration of the Temple, which is now under the control of the Petitioner.

Consequently, the impugned order which cannot be sustained, is set aside. It is made clear that if any necessity arises, the concerned authorities are not precluded from taking any fresh action following the prescribed procedure in accordance with law and the Petitioner may resist the same by raising all contentions and that no view expressed by the Court on the merits of the controversy involved.

4. In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.

23.01.2023

NCC : Yes/No
Index : Yes/No
Sm

Note:- Issue order copy by 26.05.2023.

TO:

1. The Assistant Commissioner,
H.R & C.E. Department, Tirunelveli.
2. The Executive Officer,
Arulmighu Palayamchalai Kumaraswamy Thirukoil,
Sindupoondurai, Tirunelveli.



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P.D.AUDIKESAVALU, J.

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