



W.P. (MD) No. 4459 of 2009

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2023

CORAM

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

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and

M.P. (MD) No. 1 of 2009

Sri Vanamamalai Mutt,  
Through his Power Agent,  
Ramasubramanian,  
S/o. Ponnaiah Pillai,  
Having his Office at  
Sri Vanamamalai Mutt,  
Nanguneri, Tirunelveli District.

... Petitioner

*[name of the Power Agent is substituted for the earlier power agent vide Court order dated 14.12.2018]*

Vs.

1. The Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Chennai – 34.
2. The Joint Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Sivagangai.
3. The Assistant Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Virudhunagar, Virudhunagar District.
4. The Inspector of Hindu Religious and



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Charitable Endowments Department,  
Having Office at Sri.Nachiar Devasthanam,  
Srivilliputhur, Virudhunagar District.

5. His Holiness Sri.Sri.Sri Sadagopa Ramanuja Jeer,  
Sri Manavalamamunigal Sanithi,  
Sri Andal Sanathi Street, Srivilliputhur,  
Virudhunagar District.

6. His Holiness the 24<sup>th</sup> Peedapathi,  
Sri Manavalamamunigal Sanithi,  
Sri Andal Sanathi Street, Srivilliputhur.

... Respondents

[R6 impleaded vide Court order dated 08.02.2023]

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the order issued by the First Respondent dated 17.04.2009 in his proceeding in Nada.Na.Ka.No.66121/2006 S.1-3 and quash the same.

|                |                                               |
|----------------|-----------------------------------------------|
| For Petitioner | : Mr. V.Ramakrishnan                          |
| For R1 to R4   | : M. P.Subbaraj<br>Special Government Pleader |
| For R5 & R6    | : Mr. M.P.Senthil                             |

## ORDER

Heard Mr. V.Ramakrishnan, Learned Counsel appearing for the Petitioner and Mr. M. P.Subbaraj, Learned Special Government Pleader for the First to Fourth Respondents and Mr. M.P.Senthil, Learned Counsel for the Fifth and Sixth Respondents and perused the materials placed on record, apart from the pleadings of the parties.



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2. The Fifth Respondent, while holding the office of Jeeyar, Sri Manavalamamunigal Sanithi, Srivilliputhur, had made an application dated 09.10.2006 for declaring Sri Manavalamamunigal Sanithi at Srivilliputhur, which was under the control of the Petitioner, as a 'Mutt' in terms of Section 6(13) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. In pursuance thereof, the First Respondent by proceedings in Nada.Na.Ka.No.66121/2006 S.1-3 dated 17.04.2009 accepted the said claim, which is assailed by the Petitioner in this Writ Petition.

3. It is informed that after the filing of the Writ Petition, the Fifth Respondent has demitted the office of Jeeyar of Sri Manavalamamunigal Sanithi, Srivilliputhur and the Sixth Respondent has assumed charge of that office. Learned Counsel appearing for the Petitioner and the Fifth and Sixth Respondents filed a Joint Memo dated 02.03.2023 stating as follows:-

*“ It is submitted that the Petitioner and the contesting Respondents 5 and 6 in this Writ Petition agree that the status and appointment of Jeeyar Swamigal of Sri Manavala Mamunigal Institution in Srivilliputhur and its affairs which are already upheld in the observations and decision made in O.S. No. 18 of 1950 on the file of the Sub-Judge, Ramanathapuram at Madurai and LPA.No. 2 of 1960 on the file of the Hon'ble*



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*High Court, Madras shall be followed by both parties without any violation in future in any manner whatsoever and shall carry on the affairs of said institution in consonance with the observations made in the decision LPA.No.2 of 1960 on the file of the Hon'ble High Court, Madras. The Petitioner shall recognise the appointment of the Sixth Respondent as the Jeeyar of Sri Manavala Mamunigal Institution in Srivilliputhur made by the Fifth Respondent as the nominee of Sri Vanamamalai Mutt and the Sixth Respondent shall carry on the affairs of the said institution as per the decision in LPA.No.2 of 1960 on the file of the Hon'ble High Court, Madras. This memo may be recorded and suitable orders may be passed by this Hon'ble Court."*

4. In view of the aforesaid subsequent events, the following order is passed:-
- (i) the impugned order in Nada.Na.Ka.No.66121/2006 S.1-3 dated 17.04.2009 is set aside and the matter is remitted to the First Respondent for fresh determination of the matter in accordance with law; and
  - (ii) it shall be incumbent upon the First Respondent to duly consider the terms of understanding arrived between the parties, as reflected in the Joint Memo dated 02.03.2023, and pass reasoned orders on merits, after affording full opportunity of personal hearing to all the parties concerned and dealing with each of the contentions raised by them and communicate



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the decision taken under written acknowledgment.

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In the result, the Writ Petition is disposed on the aforesaid terms.

Consequently, the connected Miscellaneous Petition is closed. No costs.

**02.03.2023**

NCC : Yes/No

Index: Yes/No

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**Note: Issue order copy by 24.03.2023.**

To

The Deputy State Tax Officer-1,  
Office of the Assistant Commissioner (ST),  
Sivakasi-2, Assessment Circle,  
Sivakasi-626 124, Virudhunagar District.



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**P.D. AUDIKESAVALU, J.**

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