



W.P. (MD) No. 3237 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2023

CORAM

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

W.P. (MD) No. 3237 of 2023
and
W.M.P. (MD) No. 3002 of 2023

V.Ilanchezhiyan,
S/o. Velusamy Nadar,
Trustee,
Aadhi Sakthi Annai Sri Masani Amman Dhyana Peedam,
Erichanatham, Sivakasi Taluk,
Virudhunagar District,
Residing at 5th Street, Forest Road,
Theni Town,
Theni District.

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Chennai-600034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
B1 Road, Ellis Nagar,
Madurai-625016,



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WEB COPY Madurai District.

3. The Assistant Commissioner,
Hindu Religious Charitable Endowments Department,
No.18, Nachi Street,
Virudhunagar-626001,
Virudhunagar District.

4. The Executive Officer,
Arulmigu Koodamudaya Iyyanar Temple,
Kalayarkuruchi, Sivakasi Taluk,
Virudhunagar District.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Certiorari, calling for the records of the impugned order passed by the Fourth Respondent on 02.02.2023 and quash the same as illegal.

For Petitioner	:	Mr. C.Guhaseelarupan
For Respondents 1 to 3	:	Mr. P.Subbaraj Special Government Pleader
For Respondent No.4	:	Mr. P.Mahendran

ORDER



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Heard Mr. C.Guhaseelarupan, Learned Counsel for the Petitioner and Mr. P.Subbaraj, Learned Special Government Pleader appearing for the First to Third Respondents and Mr. P.Mahendran, Learned Counsel appearing for the Fourth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. It is the case of the Petitioner that he has filed a revision petition before the Second Respondent under Section 21-A of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as 'the Act' for short) against the order dated 14.09.2022 in the Proceedings in Se. Mu. Na. Ka. No. 179/2013/A5 passed by the Third Respondent, which has been taken on file as R.P. No. 1 of 2023 along with applications in I.A. Nos. 7 and 8 of 2023 seeking interim orders which have been posted for hearing on 06.03.2023, but in the meanwhile the Fourth Respondent by Proceedings in ITMS No. 35746 dated 02.02.2023 has called upon the Petitioner to hand over charge of the Temple, which is assailed in this Writ Petition.



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3. Learned Special Government Pleader appearing for the First to Third Respondents, on instructions, states that orders would be passed in applications in I.A. Nos. 7 and 8 of 2023 within a period of three months from today and after completing enquiry affording full opportunity of hearing to all parties concerned following prescribed procedure, final orders would be passed in R.P. No. 1 of 2023 within a period of 6 months from today. He has filed a memo dated 20.02.2023 to that effect which is placed on record.

4. Having regard to the aforesaid submissions made, it shall be incumbent upon the Respondents to keep the impugned order in Proceedings in ITMS No. 35746 dated 02.02.2023 passed by the Fourth Respondent in abeyance till further orders are passed by the Second Respondent either in I.A. Nos. 7 and 8 of 2023 or R.P. No. 1 of 2023, whichever is earlier, and depending upon its outcome, the concerned parties are not precluded from working out their rights in accordance with law.

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



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23.02.2023

NCC : Yes/No

Index : Yes/No

sj

Note: Issue order copy by 16.06.2023.

To

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119, Uthamar Gandhi Salai,
Chennai-600034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
B1 Road, Ellis Nagar,
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3. The Assistant Commissioner,
Hindu Religious Charitable Endowments
Department,
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P.D. AUDIKESAVALU, J.

sj

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Dated : 23.02.2023