



W.P. (MD) No. 3899 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2023

CORAM

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

W.P. (MD) No. 3899 of 2023

and

W.M.P. (MD) Nos. 3736 and 3737 of 2023

N.Ramasamy

... Petitioner

Vs.

1. Joint Commissioner,
HR & CE Department,
Madurai.

2. Assistant Commissioner,
HR & CE Department,
Madurai.

3. Executive Officer,
Arulmigu Kalyana Sundareswarar Thirukovil,
Avaniyapuram,
Madurai – 625 012.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Certiorarified Mandamus, to call for the records of the proceedings of the 2nd respondent in N.K. No: 2630/2021-8/E3 dated 03.02.2023 and quash the same and consequently forbearing the respondents from in anyway interfering with the affairs of Arulmigu Seenivasa Perumal Thirukovil at Thirali.



W.P. (MD) No. 3899 of 2023

For Petitioner : Mr. V.Ramakrishnan
For Respondents : Mr. P.Subbaraj
Special Government Pleader

ORDER

Heard Mr. V.Ramakrishnan, Learned Counsel for the Petitioner, Mr. P.Subbaraj, Learned Special Government Pleader, who takes notice for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner is that Arulmigu Thiruvengkada Perumal Temple, Thirali, is a denominational Temple as confirmed by the decree and judgment dated 02.08.1982 in O.S. No. 277 of 1981 passed by the District Munsif Court, Tirumangalam, and confirmed in appeal by the II Additional Sub Court, Madurai, on 04.02.1986 in A.S. No. 84 of 1985. However, without taking note of the said fact, Notice in Na. Ka. No. 2630/2021-8/E3 dated 03.02.2023 has been issued by the Second Respondent calling for applications for the post of Trustee of the said Temple.

3. It is evident that the impugned notice has been issued in contravention of



W.P. (MD) No. 3899 of 2023

the adjudication made by the Civil Court relating to the Temple, which cannot be sustained. In such circumstances, the impugned order is set aside with the clarification that if any action is taken in future, it shall be incumbent upon the Respondents to duly take note of the said adjudication by the Civil Court.

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

27.02.2023

SJ

Index : Yes/No

Note : Issue copy of the order by 22.06.2023

To

1. The Joint Commissioner,
HR & CE Department,
Madurai.
2. The Assistant Commissioner,
HR & CE Department,
Madurai.
3. The Executive Officer,
Arulmigu Kalyana Sundareswarar Thirukovil,
Avaniyapuram,
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W.P. (MD) No. 3899 of 2023

P.D. AUDIKESAVALU, J.

SJ

W.P. (MD) No. 3899 of 2023

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