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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.6384 of 2023

M.Ramesh

... Petitioner

Vs.

1. The Joint Commissioner,
Tamil Nadu Hindu Religious
and Charitable Endowment Department,
Seelapadi,
Dindigul.

2. The Managing Trustee,
Arulmigu Kottaimariamman Temple,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Mandamus*, directing the respondents 1 & 2 to implement the order, dated 01.04.2022 made in A.P.No.2 of 2022 and permit him to rendering pooja service in the respondents 1 & 2 temple and on the basis of the petitioner's representation, dated 01.02.2023 within a time stipulated by this Court.



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For Petitioner : M/s.RC.Shankar Ganesh
For R-1 : Mr.S.Kameswaran,
Government Advocate
For R-2 : Mr.V.R.Shanmuganathan,
Standing Counsel

ORDER

This writ petition is filed for *Writ of Mandamus*, directing the respondents 1 & 2 to implement the order, dated 01.04.2022 made in A.P.No.2 of 2022 and to permit him to render pooja service in the respondents 1 & 2 temple on the basis of the petitioner's representation, dated 01.02.2023.

2. Heard M/s.RC.Shankar Ganesh, learned counsel appearing for the petitioner and Mr.S.Kameswaran, learned Government Advocate appearing for the 1st respondent and Mr.V.R.Shanmuganathan, learned Standing Counsel, appearing for the 2nd respondent. Perused the material documents available on record.



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3. The 2nd respondent Trustee has objected this writ petition stating that against the order passed in A.P.No.2 of 2022, they have preferred R.P.No.1 of 2023 and the case was posted for next hearing on 16.07.2023. Though, the order in A.P.No.2 of 2022 was passed on 01.04.2022 the petitioner is not able to enjoy the fruits of the order of the case, because of the R.P.No.1 of 2023 is pending from the year 2022.

4. In fact, the respondents have filed a stay petition that was not entertained by the Commissioner. The fact remains there is no interim order in the said R.P. case. Therefore, the petitioner shall continue the pooja rights until disposal of the R.P.No.1 of 2023. Thereafter, the rights of the parties will be determined based on the order passed in R.P.No.1 of 2023. Since the R.P.No.1 of 2023 is at final hearing, this Court is directing the authority to complete the proceeding within a period of six weeks from the date of receipt of the copy of this order.



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5. With these observations and directions, this Writ Petition is disposed of. No Costs.

Index : Yes / No
Internet : Yes
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04.07.2023

Note: Issue a copy of order on 05.07.2023



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To

1. The Joint Commissioner,
Tamil Nadu Hindu Religious
and Charitable Endowment Department,
Seelapadi,
Dindigul.
2. The Managing Trustee,
Arulmigu Kottaimariamman Temple,
Dindigul.



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S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No.6384 of 2023**

04.07.2023