



W.P. (MD) No. 7862 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2023

CORAM

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

W.P.(MD) No. 7862 of 2020  
and  
W.M.P. (MD) No. 7335 of 2020

Arulmigu Suttukkol,  
Ramalingaswamigal Madalayam,  
Represented through its  
Managing Trustee M.Baskaran,  
Door No.1, Velar Street, Arapalayam,  
Madurai – 16.

... Petitioner

Vs.

1.The Commissioner,  
Hindu Religious & Charitable  
Endowments Department,  
119, Uthamar Gandhi Salai,  
Chennai – 600 034.

2.The Joint Commissioner,  
Hindu Religious & Charitable  
Endowments Department,  
B1 Road, Ellis Nagar,  
Madurai – 16.



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3. The Executive Officer,  
Arulmighu Suttukkol,  
Ramalinga Swamigal Madalayam,  
Door No.1, Velar Street, Arapalayam,  
Madurai – 16.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Certiorarified Mandamus, calling for the records of the 1<sup>st</sup> respondent under his proceedings in Se.Mu.Na.Ka.No.7974/2019/L5, dated 19.09.2019 and quash the same as without jurisdiction and unenforceable in law and consequently directing the respondents to handover the management of the petitioner Madalayam to the Managing Trustee of the petitioner within a period of time as may be fixed by this Court.

For Petitioner : Mr. G.Rajasekaran

For Respondents : Mr. T.Villavan Kothai  
Additional Government Pleader  
For R1 and R2

Mr. S.Manohar (for R3)

### **ORDER**

Heard Mr. G.Rajasekaran, Learned Counsel for the Petitioner, Mr. T.Villavan Kothai, Learned Additional Government Pleader appearing for the First and Second Respondents and Mr. S.Manohar, learned Counsel for the Third



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Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition challenges the proceedings in Se.Mu.Na.Ka.No. 7974/2019/L5, dated 19.09.2019 issued by the First Respondent, appointing an Executive Officer for the Madalayam of the Third Respondent and for a consequential direction to the Respondents to hand over the management of the Madalayam to the Managing Trustee of the Petitioner within the time limit.

3. It has been brought to notice that the suit in O.S. No. 594 of 2018 filed under Section 70 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 is now pending before III Additional Sub Judge, Madurai, in which Baskaran, who now claims to represent the Madalayam of the Petitioner, is one of the Plaintiffs. When it is pointed out that it would be pre-mature for the said Baskaran to represent the Madalayam in this Writ Petition when his right to act as Trustee of the Madalayam is yet to be decided in that suit, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the rights of Baskaran to work out his remedies in relation to the



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impugned order before proper forum in the manner recognized by law and he has made an endorsement to that effect in the court record.

5. In view of the same, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. Consequently, the connected Miscellaneous Petition is closed. No costs.

**04.01.2023**

**1/2**

sj

NCC : Yes/No

Index : Yes/No

**Note: Issue copy of the order by 30.01.2023**



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To

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

sj

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Dated : 04.01.2023

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