



WP(MD)No.7790 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.04.2023

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

WP(MD)No.7790 of 2023 &
WMP(MD)Nos.7223, 7225 & 7226 of 2023

- 1.T.K.T.Sivasubramanian
- 2.K.R.K.V.Muthukumaran
- 3.T.Kannan
- 4.C.Mariappan
- 5.K.Marichelvam

... Petitioners

Vs.

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Court,
Balakrishnapuram,
Sellapadi Post,
Dindigul - 624 005.

- 2.V.Nithyakalyani
- 3.V.Kamaraj

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus calling for the records of the first respondent in O.A.No.29 of 2021 dated 24.02.2023, quash the same and allow the original application and direct the first respondent to



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recognize the petitioners as Trustees to 'Arul Mighu Bathra Kaliamman & Mariamman Temple'.

For Petitioners : Mr.K.P.S.Palanivelrajan,
Senior Counsel
for Mr.K.Prabakaran

For Respondents : Mr.P.Subbaraj,
Special Government Pleader for R1

ORDER

The petitioners have approached this Court for the issue of a writ of certiorarified mandamus calling for the records of the first respondent in O.A.No.29 of 2021 dated 24.02.2023, quash the same and recognize the petitioners as Trustees of 'Arulmighu Bathra Kaliamman & Mariamman Temple'.

2. The learned Special Government Pleader appearing for the first respondent would submit that against the order passed by the first respondent, there is an appeal remedy before the Commissioner, Hindu Religious and Charitable Endowments Department, Chennai and the petitioners cannot invoke the jurisdiction of this Court.



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3. Admittedly, the above writ petition has been filed challenging the order of the first respondent in O.A.No.29 of 2021 dated 24.02.2023. Since an appellate remedy is available, the petitioners have to necessarily filed an appeal against the above order before the Appellate Authority. Therefore, the writ petition is dismissed. However, liberty is granted to the petitioners to file an appeal before the Commissioner, Hindu Religious and Charitable Endowments Department, Chennai within a period of one week from the date of receipt of a copy of this order and the Commissioner shall pass orders on the appeal within a period of eight weeks from the date of such appeal. No costs. Consequently, the connected Miscellaneous Petitions are closed.

06.04.2023

NCC:Yes/No

Index:Yes/No

Speaking/Non-speaking order

mbi

Note: Issue order copy on 11.04.2023



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P.T.ASHA, J.

mbi

To

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Court,
Balakrishnapuram,
Sellapadi Post,
Dindigul - 624 005.
- 2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.

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