



WP(MD)No.7589 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2023

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

WP(MD)No.7589 of 2023 &
WMP(MD)No.7068 of 2023

P.Rathinam

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Madurai, Now at Dindigul.

2.The Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to dispose of the O.A.No.4 of 2004 and Review Petition No.3 of 2013 on the file of the first respondent within the time stipulated by this Court.

For Petitioner : Mrs.S.Chamundi Bose

For Respondents : Mr.P.Subbaraj
Special Government Pleader



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ORDER

The limited request of the petitioner in the writ petition is for a mandamus directing the respondents to dispose of O.A.No.4 of 2004 and Review Petition No.3 of 2013, which are pending on the file of the first respondent at the earliest.

2. The petitioner seeks to assert his right as a Poosari to Sri Muniappaswamy Temple, Vellode Village and also his right to administer the Temple. Since the second respondent was planning to appoint a Non-Hereditary Trustee, OA.No.4 of 2004 was filed by the petitioner under Section 63 (6) of the Hindu Religious and Charitable Endowments Act as amended by Act 39 of 1996 before the Joint Commissioner, Hindu Religious and Charitable Endowments Department. Thereafter, the second respondent has proceeded to appoint an Executive Officer as the Fit Person of the Temple, which was challenged in Review Petition No.3 of 2013 before the first respondent. The petitioner would submit that this action is a clear violation of their rights, particularly when, the orders



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have been passed without any notice or conducting enquiry. Therefore, this writ petition.

3. Heard the learned counsels on either side.

4. Considering the limited scope of the writ petition, the writ petition is allowed and the first respondent is directed to dispose O.A.No. 4 of 2004 and Review Petition No.3 of 2013 on their file within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

05.04.2023

NCC:Yes/No
Index:Yes/No
Speaking/Non-speaking order

mbi



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P.T.ASHA, J.

mbi

To

- 1.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Madurai, Now at Dindigul.
- 2.The Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
Madurai.

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