



W.P(MD)No.8065 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.8065 of 2023

A.Ponnusamy

...Petitioner

Vs.

1.The Commissioner,

Hindu Religious and Charitable Endowment Department,
Chennai.

2.The Joint Commissioner,

Hindu Religious and Charitable Endowment Department,
Madurai.

3.The Joint Commissioner,

Hindu Religious and Charitable Endowment Department,
Madurai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, directing the respondents to dispose of the appeal before the first respondent in AP.No.143/2021 against the order of the second respondent in Se.Mu.Na.Ka.No.2132/2020/A1, dated 02.06.2020 filed by the petitioner within the time stipulated by this Court.



W.P(MD)No.8065 of 2023

For Petitioner : Mr.S.Ramsundarvijaraj
For R1 to R3 : Mr.P.Subburaj
Special Government Pleader
For Proposed party : Mr.M.Saravanakumar

ORDER

This writ petition is filed for a Mandamus, directing the first respondent to dispose of the appeal preferred by the petitioner in AP.No.143/2021, within the stipulated time.

2.The learned counsel appearing for the petitioner submits that the second respondent, by order dated 02.06.2020 has appointed one Raja as hereditary trustee of Sundaramahalinga Swamy Temple, Sathuragiri, Peraiyur, Madurai. Aggrieved over the same, the petitioner has preferred an appeal in A.P.No.143 of 2021, before the first respondent and the same is pending for the past two years. Therefore, the petitioner is before this Court for a Mandamus for an early disposal of the appeal, which is pending before the first respondent.



W.P(MD)No.8065 of 2023

3.Mr.M.Saravanakumar, learned counsel appearing for the proposed party seeks permission of this Court to file an impleading application that the above appeal has been filed as against the order of appointment of one Raja as a hereditary trustee and hence, the above said Raja has to be necessarily impleaded as a respondent in this writ petition. He further submits that the statutory period for filing an appeal is within 30 days from the date of the order. However, the above appeal has been filed in the year 2021, after a period of one year. The other contentions of the learned counsel are that the proposed respondent has raised an objection before the appellate authority and therefore, the petitioner has approached this Court, by way of this writ petition to avoid the proceedings before the first respondent; the petitioner is not a hereditary trustee of the above temple and hence he is not having any *locus standi* to file an appeal and also this writ petition.

4.This Court considered the rival submissions made and also perused the materials placed on record.



W.P(MD)No.8065 of 2023

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5.Challenging the order of appointment of one Raja as a hereditary trustee of Sundaramahalinga Swamy Temple, Sathuragiri, Peraiyur, Madurai, the petitioner has filed an appeal in AP.No. 143/2021 before the first respondent and the same is still pending. This writ petition is filed for an early disposal of the above appeal. Though the proposed respondent has raised an objection that the petitioner has filed this writ petition without impleading the said Raja as a respondent, considering the facts that the appeal filed by the petitioner in AP.No.143/2021 before the first respondent is pending for the past two years and the relief sought for by the petitioner in this writ petition is only for an early disposal of the appeal, this Court is inclined to dispose of this writ petition, without expressing anything on the merits of this writ petition.

6.Accordingly, this writ petition is disposed of with a direction to the first respondent to dispose of the appeal filed by the petitioner in AP.No.143/2021 as expeditiously as possible,



W.P(MD)No.8065 of 2023

preferably, within a period of three months from the date of receipt of a copy of this order, on merits and in accordance with law. No costs.

12.04.2023

NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.
vrn

To

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai.
- 3.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
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W.P(MD)No.8065 of 2023

B.PUGALENDHI, J.

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Order made in
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