



W.P. (MD) No. 11449 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2023

WEB COPY

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 11449 of 2021

and

W.M.P. (MD) No. 8966 of 2021

M.Arunachalam

Vs.

... Petitioner

1. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Sivagangai , Sivagangai District.
2. The Manager Cum Executive Officer,
Arulmigu Koppudayamman Temple,
Karaikudi.
(R2 is Impleaded Vide Court
Order Dated 16.07.2021 in WMP (MD).
9236/2021 in W.P (MD) No. 11449/2021)
3. The Tahsildar,
Karaikudi Taluk, Sivagangai.
(R3 is impleaded *vide* Court Order dated
24.03.2022 in WMP (MD).4156/2022 in
W.P (MD) No. 11449/2021)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India,
to issue a Writ of Certiorari, to call for the records of the impugned order



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passed by the respondent in MP. No.01 of 2019 dated 15.04.2021 and quash the same.

For Petitioner : Mr. RM.Arun Swaminathan
For Respondents : Mr. P.Subbaraj
Special Government Pleader (R1 & R3)
Mr. R.Shankar Ganesh (R2)

ORDER

When it was pointed out that the Petitioner has got an effective alternative remedy to challenge the order in M.P.No.1 of 2019 dated 15.04.2021 passed by the First Respondent, which is impugned in this Writ Petition, by filing a suit under Section 79(2) of the Hindu Religious and Charitable Endowments Act, 1959, before the jurisdictional civil court to establish his claim that the Second Respondent has no title to the property, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition with liberty to resort to the aforesaid procedure. He has also made an endorsement to that effect in the court record.

In the result, the Writ Petition is dismissed as withdrawn granting such liberty. It is made clear for the purpose of reckoning limitation for availing



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the aforesaid remedy, the period from the date of filing of this Writ Petition, viz., 06.07.2021, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. Consequently, connected Miscellaneous Petition is closed. No costs.

20.02.2023

NCC : Yes/No

Index : Yes/No

PKN

Note:- (i) Issue order copy by 22.02.2023.

(ii) Registry is directed to return the certified impugned order under written acknowledgment after retaining a copy of the same for record.

TO:

1. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Sivagangai , Sivagangai District.
2. The Manager Cum Executive Officer,
Arulmigu Koppudayamman Temple,
Karaikudi.
3. The Tahsildar,
Karaikudi Taluk, Sivagangai.

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P.D.AUDIKESAVALU,J.

PKN

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20.02.2023