



W.P.(MD)No.10922 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :01.06.2023

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THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD)No.10922 of 2023

and

W.M.P.(MD).No.9566 of 2023

R.Lingaraj

...Petitioner

Vs.

The Joint Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment Department,
Madurai District.

...Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records of the respondent dated 21.04.2023 in proceedings அ.தி.க.3406/2023/இ1 quash the same.

For Petitioner :Mr.R.G.Shankar Ganesh

For Respondents :Mr.P.Subbaraj
Special Government Pleader



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ORDER

This writ petition has been filed seeking for the issue of a writ of Certiorarified Mandamus calling for the records of the respondent dated 21.04.2023 in proceedings No.அ.தி.க.3406/2023/இ1 quash the same and direct the respondent to number the original application and to dispose of the same on merits.

2. It is the case of the petitioner that the Kalyanasundara Vinayagar Temple, Tirunagar, Madurai, was built in the year 1990. The temple has been built by the efforts of the residents of Pandian Nagar, who are the members of the Saiva Pillaimar, Gowra Naidu, Yadavar, Nadar, Thondai Manda Muthaliyar etc., were responsible for consecration of this temple. These are the members of these five communities, who were administering and managing the temple as trustees. These five trustees have been recognized by the residents of the said area and none of the persons have interfered in their rights of administration. The electricity service connection stands in the name of the temple and the expenses are defrayed by collection from the members of the five communities. These trustees who



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have appointed a Poosari and the salary of the poosari has also paid by the members of the communities. The respondent has no control over the said temple. While so, it appears that the then trustees had filed an application under Section 64(1) of the Hindu Religious and Charitable Endowment Act, 1959, for framing a scheme of management for the administration of the temple by giving importance to the five communities residing in Pandian Nagar. It appears that this petition was dismissed on the ground that the temple is of very recent origin.

3. In the year 2014, Kumbaabishegam of the temple was performed and the entire expenses are met by the community members. The petitioner would submit that many idols were added and consecrated in the temple by the members of these five communities. In the light of the above factors, the petitioner had filed a original application once again invoking provision of Section 64 of the Act, before the respondent. The respondent without even numbering the said application has simply returned the original application by his impugned order dated 21.04.2023, which is challenged in the present writ petition. The respondent has stated that in the



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light of the dismissal of the original application, the maintainability of the application was itself in question. Aggrieved by this return of application, the petitioner is before this Court.

4. Heard the learned counsel appearing on either side.

5. It is not known as to the provision, under which the respondent has returned the papers even without numbering the same. The earlier writ petition was dismissed on a purely technical ground and the present application is made nearly 18 years after the dismissal of the earlier application. The earlier application has been dismissed on a technical ground that the temple is of a very recent origin. Be that as it may, the respondent ought to have numbered the said application and pass orders thereon.

6. In view of the above, the impugned proceedings No.அ.தி.க. 3406/2023/இ1 dated 21.04.2023, passed by the respondent is hereby set aside, the respondent is directed to take on file the application filed by the



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petitioner and pass speaking orders on merits after hearing the petitioner and all other interested parties, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

01.06.2023

NCC :Yes/No
Internet :Yes/No
Index :Yes/No
sbn

To

The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowment Department,
Madurai District.



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P.T.ASHA, J.

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