



WA(MD)No.380 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.04.2023

CORAM

The Honourable Mr. Justice **R.SUBRAMANIAN**
and
The Honourable Mrs. Justice **L.VICTORIA GOWRI**

WA.(MD)No.380 of 2023 and
CMP(MD) No.4145 of 2023

S.Meiyar

.. Appellant/Proposed party

Vs.

1.P.R.Ramasamy Ambalam

2.S.Ramalingam Ambalam

3.R.Govindan Ambalam

4.A.Meiyappan Ambalam

... Petitioners

5.The Commissioner
Hindu Religious and Charitable
Endowment Department
Uthaman Gandhi Road, Chennai 600 034.

6.The Joint Commissioner
Hindu Religious and Charitable
Endowment Department, Sivagangai.



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7.The Assistant Commissioner
Hindu Religious and Charitable
Endowment Department
Paramakudi Cum Fit Person,
Arulmigu Koppudayanagi Ambal Thirukovil
Karaikudi.

8.The Executive Officer,
Paramakudi Cum Fit Person
Arulmigu Koppudayanagi Ambal Thirukovil
Karaikudi, Sivagangai District.

9.P.L.K.R. Meiyappan Ambalam

10.P.R.Meiyappan Ambalam

11.Senthil vadivelu Ambalam

.. Respondents

Writ Appeal is filed under Clause 15 of the Letters Patent against the
order dated 25.03.2022 passed in WP(MD) No.5337/2022.

For Petitioner	: Mr.R.G.Shankar Ganesh
For Respondents	: Mr.J.Anandkumar for R1 to R4 (No appearance) Mr.P.Subbaraj for R5 to R7 Special Government Pleader Mr.R.Shankar Ganesh for R5



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JUDGMENT

[Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**]

Being aggrieved by the order of the Writ Court, dated 25.03.2022 made in W.P(MD)No.5337 of 2022, the appellant/proposed party is before this Court with this writ appeal.

2. The grievance of the petitioner is that though this Court has directed enquiry to be conducted by the Joint Commissioner, Hindu Religious and Charitable Endowment Department, under Section 63 of the HR&CE Act, regarding certain privileges claimed by the petitioners family after hearing the respondents 5 to 7 in the writ petition, the Joint Commissioner refused to hear the appellant, since he is not a party to the writ petition. It is also contended that the private respondents 5 to 7 in the writ petition are no more. In a proceedings under Section 63 of the HR&CE Act, while deciding rights or privileges claimed by a person in a temple, the inquiring authority, namely, Joint Commissioner or the Deputy Commissioner, as the case may be, has the powers of a civil Court and any



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person, who is objecting to the right claimed is entitled to take part in the proceedings. The authority, namely, the Deputy Commissioner or the Joint Commissioner cannot refuse to hear a party merely because he was not a party to the writ petition. Even a stranger has a right to object the conferment of any right or privilege on an individual in a temple. Hence, the writ appeal is disposed of with a direction to the Joint Commissioner, HR&CE Department, Sivagangai to hear the appellant or any other objector, who has objections to grant of the right claimed by the petitioners in the writ petition. No costs. consequently connected Miscellaneous Petition is closed.

(R.S.M.,J.) (L.V.G.,J.)
05.04.2023

Index : Yes/No

Internet : Yes

RR

To

1.The Commissioner

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2.The Joint Commissioner

Hindu Religious and Charitable



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and
L.VICTORIA GOWRI,J.

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