



W.P.(MD).No.20769 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2023

WEB COPY

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.20769 of 2023
and
W.M.P.(MD).No.17186 of 2023

1.Maheswari

2.Hari Anand

... Petitioners

vs.

1.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department, Madurai.

2.V.Rasu Pillai

3.M.Deivandran

4.V.Pichai Pillai

5.V.Mupilian

6.P.Ariyanayagam

7.R.Chinnadurai

8.The Executive Officer,
A/m.Mahadevaswamy temple,
Raja Mill road, Madurai.

... Respondents



W.P.(MD).No.20769 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned order passed by the first respondent herein dated 02.08.2022 in I.A.No. 05 of 2023 in O.A.No. 18 of 2014 and quash the same.

For Petitioner : Mr.A.L.Kannan

For R-1 : Mr.S.P.Maharajan,
Special Government Pleader

For R-7 :Mr.S.Lakshmanan

For R-8 :Mr.S.Manohar

ORDER

This Writ Petition is filed for writ of Certiorari, to quash the impugned order dated 02.08.2022 passed in I.A.No.05 of 2023 in O.A.No.18 of 2014.

2. The respondent 2 to 6 have filed a petition in O.A.No.18 of 2014 under section 65(e) for recognition of their exclusive customary rights to receive temple honour through their duly elected president. The petitioner was set exparte in O.A.No.18 of 2014 on 07.12.2022, hence the petitioner filed I.A.No.05 of 2023 to set aside the exparte order. But the same was dismissed, aggrieved over the same, the present writ petition is filed.



W.P.(MD).No.20769 of 2023

3. The respondents have issued notice to the petitioner, but the petitioner failed to appear. The contention of the petitioner is that the wrong address was mentioned in the notice. The petitioner is residing in 118 Madurai-Rameshwaram Main Road, Munichalai. But the notice is sent to 180B Kamarajar Salai. The respondents have rejected the application, since the trial had stated and hence the set aside application cannot be entertained. Moreover, the Hon'ble Court in W.P.(MD)No.18060 of 2015 vide order dated 20.12.2021 had directed to complete the enquiry in the O.A. within a period of six months and hence the petition cannot be taken. The respondents ought to pass orders after hearing the rival claimants and the reasons stated to reject the I.A. application is not sustainable. Hence the impugned order is quashed and the exparte order is also quashed. The Joint Commissioner shall hear all the parties in O.A.No.18 of 2014 on merits and pass appropriate orders. The said exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

4. With these observations and directions, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
NCC : Yes / No
Sml/Tmg

01.09.2023



W.P.(MD).No.20769 of 2023

To
The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department, Madurai.



WEB COPY



W.P.(MD).No.20769 of 2023

S.SRIMATHY, J

Sml/Tmg

W.P.(MD)No.20769 of 2023

01.09.2023