



W.P. (MD) No. 16274 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEAVALU

W.P. (MD) No. 16274 of 2018

and

W.P. (MD) Nos. 14486 and 14487 of 2018

Munchira Madom,
Rep. By its Madathypathy
and Moopil Swamiyar.

... Petitioner

/Vs./

- 1.The Commissioner,
Hindu Religious and Charitable Endowment (Admn.) Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.
- 2.The Additional Commissioner (General),
Hindu Religious and Charitable Endowment (Admn.) Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.
- 3.The Deputy Chief Audit Officer,
Regional Audit Officer (Maths) (Addl. Charge),
Hindu Religious and Charitable Endowment (Admn.) Department,
No.119, Uthamar Gandhi Salai, Nungambakkam, Chennai - 600 034.



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4.The Joint Commissioner,
Hindu Religious and Charitable Endowment (Admn.) Department,
Palayamkottai,
Tirunelveli District.

5.The Assistant Commissioner,
Hindu Religious and Charitable Endowment (Admn.) Department,
Nagercoil, Kanyakumari District.

6.The Executive Officer,
Arulmigu Kanni Vinayagar Thirukoil,
Vadiveeswaram, Nagercoil, Kanyakumari District.

7.H.H.Padmanabhadasa,
Moolam Thirunal Rama Varma VI,
The Maharaja of Travancore,
Kowdiar Palace, Thiruvananthapuram.

8.Sree Padmanabhaswamy Temple,
Rep. by its Executive Officer,
Mathilakom Office, West Nada,
Sree Padmanabhaswamy Temple Fort,
Thiruvananthapuram-695 023, Kerala State.

9.Sree Padmanabhaswamy Temple,
Administration Committee,
Rep. by its Chairman,
Principal District & Sessions Judge,
Thiruvananthapuram, Kerala State.

10. K.Sivakumar ... Respondents

(R7 to R10 are impleaded vide order of this Court dated 16.08.2018 in W.M.P. (MD) No.15835 of 2018.)



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PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the impugned order passed by the 2nd respondent in Na.Ka.No.064/2018/S2, dated 20.03.2018, quash the same.

For Petitioner : Mrs. J.Anandhavalli
For Respondents : Mr. T.Villavan Kothai (R1 to R5)
Additional Government Pleader

ORDER

Heard Mrs. J.Anandhavalli, Learned Counsel for the Petitioner, Mr. T.Villavan Kothai, Learned Additional Government Pleader, who takes notice for the Official Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The First to Third Respondents by Proceedings in Na. Ka. No. 064/2018/S2, dated 20.03.2018 have directed the Sixth Respondent to take charge of the Mutt, viz., Munchira Madom, which is under the control of the Petitioner in the exercise of the powers under Section 60 of the Tamil Nadu



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Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as 'the Act' for short). The Petitioner was entitled to prefer revision against that order under Section 114 of the Act within a period of three months from the date of its receipt before the State Government. However, the Petitioner did not prefer any revision before the State Government, but has instead filed this Writ Petition on 24.07.2018 challenging the order passed by the First to Third Respondents.

3. When it was pointed out during the earlier hearing on 19.12.2022 that it is not possible to entertain this Writ Petition in the absence of any acceptable explanation from the Petitioner for not having availed the aforesaid alternative remedy provided under the statute, Learned Counsel for the Petitioner requested that matter may be adjourned so that the Petitioner would file revision before the State Government in the meanwhile. It is reported today by Learned Counsel for the Petitioner that the Petitioner has filed the revision on 06.01.2023 before the State Government, which has been taken on file as Revision Petition in R.P. No. 1 of 2023 and that the Petitioner would be satisfied, if the said Revision Petition is decided within a time limit that may be fixed by this Court.



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4. Having due regard to the aforesaid submissions made, this Court without expressing any view on the merits merits of controversy involved, passes the following order:-

- (i) it shall be incumbent upon the Secretary to Government of Tamil Nadu, Hindu Religious and Charitable Endowments Department to immediately examine the Revision Petition in R.P. No. 1 of 2023 filed by the Petitioner including ascertaining as to whether the Petitioners would be entitled for the relief claimed;
- (ii) that for the purpose of reckoning limitation for availing the statutory remedy, the period from the date of filing of the Writ Petition, viz., 24.07.2018, till 06.01.2023 when the appeal was filed shall be excluded;
- (iii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iv) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal



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hearing to the Petitioner and all other persons concerned to explain their position in that regard;

- (v) it shall be ensured that there is atleast one effective hearing every week showing progress of the case;
- (vi) the First to Third Respondents shall await the orders to be passed in the stay application of the Revision by the State Government, and shall not take any coercive measures against the Petitioner for implementation of the impugned order, till the orders thereon are communicated to the parties and it is made clear that the State Government is not precluded from passing any order, interim or final, that it may deem fit and proper in the circumstances of the case; and
- (vii) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment.

In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.



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NCC : Yes/No

Index : Yes/No

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Note: Issue order copy by 16.06.2023.

TO:

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Nagercoil, Kanyakumari District.

6. The Executive Officer,
Arulmigu Kanni Vinayagar Thirukoil,
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P.D.AUDIKESAVALU, J.

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