



W.P.(MD).No.21944 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.21944 of 2023

N.Rajarajeshwaran

... Petitioner

Vs.

- 1.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Board,
Madurai.
- 2.TheAssistant Commissioner,
Hindu Religious and Charitable
Endowment Board,
No.18, Natchi Street,
Virudhunagar,
Virudhunagar District.
- 3.The Inspector,
Hindu Religious and charitable
Endowment Board,
Aruppukkottai,
Virudhunagar District.



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4. The Executive Officer/Thakkar,
Sri Chokkanatha Swami Thirukkcoil,
Hindu Religious and Charitable
Endowment Board,
Virudhunagar,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 4 to appoint the petitioner as the Trustee of Arulmigu Kaliyamman Thirukoil, Chinnavallikulam, Aruppukkottai Taluk, Virudhunagar District by implementing the order passed by the second respondent in Se.Mu.Na.Ka.No. 3386/2021-3-Aa3 dated 08.08.2023 and by considering the petitioner's representation dated 31.08.2023.

For Petitioner : Mr.M.Solaisamy

For Respondent : Mr.S.P.Maharajan,
Special Government Pleader.

ORDER

This Writ Petition is filed for Mandamus, directing the respondents 1 to 4 to appoint the petitioner as the Trustee by implementing the order dated 08.08.2023 and by considering the petitioner's representation dated 31.08.2023.



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2. The petitioner was appointed as Non - Hereditary Trustee of Arulmigu Kaliyamman Thirukoil, Chinnavallikulam, Aruppukkottai Taluk, Virudhunagar, through proceedings in Se.Mu.Na.Ka.No.3386/2021-3-Aa3 dated 08.08.2023. In the said proceedings, the petitioner was directed to take charge within a period of three days.

3. The contention of the petitioner is that the petitioner had approached the fourth respondent, who was serving as fit person to the said temple. But the fourth respondent had not handed over the charge to the petitioner. The fourth respondent further directed the petitioner to wait until 31.08.2023. By believing his words, the petitioner has waited till 31.08.2023. In spite of waiting till 31.08.2023, the fourth respondent had not handed over the charge to the petitioner. Hence, the petitioner is before this Court.

4. The learned Special Government Pleader submitted that the petitioner has not approached within a period of three days as stated in the appointment order. Therefore, since the time was lapsed, the petitioner is not entitled to take charge of the said temple. This Court is not inclined to accept such explanation.



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The further contention of the learned Special Government Pleader is that there may be some other issues between the parties.

5. Therefore, this Court is of the considered opinion, it is merely apprehension of the respondents. Therefore, the fourth respondent is directed to hand over the possession to the petitioner within a period of one (1) week from the date of receipt of a copy of this order. If there is any other reason, the respondents shall issue notice to the petitioner and call for objections if any and thereafter pass an order.

6. In view of the above, this Writ Petition is allowed. There shall be no order as to costs.

11.09.2023

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

Sml/Nsr



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S.SRIMATHY, J.

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