



W.P. (MD) No. 26055 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU

W.P. (MD) No. 26055 of 2022

and

W.M.P. (MD) Nos.20186, 20189 and 20667 of 2020

L.Chokkalingam @ Thondar Chona

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai.

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

3.Arulmigu Karpaga Vinayagar Temple,
Represented by its present trustees,
Pilaiyarpatty, Sivagangai District.

4.Thannermalai

...Respondents

Prayer in W.P. (MD) No.12122 of 2020: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the second respondent



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herein in his proceedings in Na.Ka.No.3103/2022/AA1, dated 04.11.2022 and quash the same as illegal and further direct the first and second respondents herein to accept and record my selection as one of the hereditary trustee of Arulmigu Karpaga Vinayagar Temple Pillaiyarpatti, Sivagangai District as per the provisions contemplated under Section 54(1) of the Hindu Religious and Charitable Endowment Act, in the light of the resolution entry dated 01.09.2022 in the minutes book of the third respondent temple forthwith.

For Petitioner	: Mr.V.Meenakshisundaram
For R1 and R2	: Mr.P.Subbaraj Special Government Pleader
For R3	: Mr.VR.Shanmuganathan
For R4	: Mr.Arun Swaminathan

ORDER

Heard Mr. V.Meenakshisundaram, Learned Counsel appearing for the Petitioner, Mr. P.Subbaraj, Learned Special Government Pleader for the First and Second Respondents, Mr. VR.Shanmuganathan, Learned Counsel for the Third Respondent and Mr. Arun Swaminathan, Learned Counsel for the Fourth Respondent and perused the materials placed on record, apart from the pleadings of the parties.



2. It is informed by Learned Counsel for the parties that in furtherance to the order dated 09.12.2022 passed by this Court, a General Body Meeting of the Third Respondent had taken place, in which a resolution has been passed clarifying the manner of selection of the trustees from among 20 family members and thereafter, an election had taken place in which the Fourth Respondent has been declared elected as one of two trustees of the Temple of the Third Respondent.

3. In view of the subsequent events, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioner to challenge the proceedings of the General Body Meeting and to file an appeal under Section 26(5) of the Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as 'the Act' for short) before the concerned authority relating to his disqualification for contesting in the election for the post of trustees in future and he has made an endorsement to that effect in the court record.

In view of the same, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. It is made clear that for the purpose of reckoning



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limitation for filing an appeal under Section 26(5) of the Act, the period from the date of filing of the Writ Petition, viz., 16.11.2022, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. Consequently, connected Miscellaneous Petitions are closed. No costs.

04.01.2023

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NCC : Yes/No

Index : Yes/No

Note: (i) Issue order copy by 30.01.2023

(ii) Registry is directed to return the impugned order under written acknowledgment after retaining a copy of the same for record.



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To

WEB COPY

- 1.The Commissioner,
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Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Sivagangai.
- 3.Arulmigu Karpaga Vinayagar Temple,
Represented by its present trustees,
Pilaiyarpatty, Sivagangai District.



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P.D.AUDIKESAVALU,J.

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04.01.2023