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Rev Apl W(MD)No.214 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2023

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

Rev Apl W(MD)No.214 of 2023

N.Vadivel

... Petitioner

vs.

1.The Commissioner,
Department of Hindu Religious and
Charitable Endowments Trust,
Uthamar Gandhi Salai,
Nungampakkam, Chennai.

2.The Inspector,
Department of Hindu Religious and
Charitable Endowments Trust,
Arulmigu Kadambar Temple,
Kulithalai, Karur.



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3.The Assistant Commissioner,
Department of Hindu Religious and
Charitable Endowments Trust,
Karur.

... Respondents

Review Application is filed under Section 114 and Order 47 Rule 1 of C.P.C. to review as against the aggrieved portion of observation made in W.P. (MD)No.21930 of 2023, dated 11.09.2023, by this Court.

For Petitioners : Mr.K.Porkodi Karnan
for M/s.Polax Legal Solutions
For Respondents : Mr.N.Ramesh Arumugam

ORDER

This review application is filed against the order passed in W.P.(MD)No. 21930 of 2023, dated 11.09.2023,

2. The writ petition W.P.(MD)No. 21930 of 2023 was filed for issuance of a writ of Certiorarified Mandamus, to quash the impugned order, dated 05.07.2023



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with a consequential relief. This Court, vide order, dated 11.09.2023 had passed an order directing the petitioner to file Section 63 petition to recognize their rights.

3. However, the contention of the petitioner is that the temple is dispute is a denomination temple and hence the petitioner had suit is filed in O.S.No.6 of 2013, on the file of the District Munsif Court, Kulithalai, to recognize their rights as denominational temple. It is an admitted preposition that if it is a denominational temple, filing suit is the appropriate remedy. Rightly, the petitioner has filed a suit. Consequently Section 63 petition is not maintainable. Therefore, this Court is allowing this review application.

4. The impugned order in the writ petition is quashed for appointing non-hereditary trustee. Until the issue is decided in the suit the petitioner shall



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administer the temple. The rights of the temple will be decided after the disposal of the suit.

5. With the above said observation, the review application is allowed. No costs.

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

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