



S.A.No.733 of 2004

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2023

CORAM:

THE HONOURABLE MRS.JUSTICE KALAIMATHI

S.A.No.733 of 2004

1.V.Thirumalaikumar

2.P.Subramanian

A1 and A2 substituted as
appellants in this appeal vide
order of this Court dated 20.10.2023
made in C.M.P.(MD).No.14518 of 2023.

... Appellants

-Vs-

1.State of Tamil Nadu
represented by the District Collector,
Tirunelveli District,
Kokkirakulam,
Tirunelveli.

2.Commissioner,
Hindu Religious and Charitable Endowment
(Administration),
Chennai.

3.Joint Commissioner,
Hindu Religious and Charitable Endowment
(Administration),
Palayamkottai,
Tirunelveli.



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4. Assistant Commissioner,
Hindu Religious and Charitable Endowment
(Administration),
Palayamkottai.

... Respondents

PRAYER: The Second Appeal is filed under Section 100 of the Civil Procedure Code, against the judgment and decree passed in A.S.No.54 of 2001, dated 12.03.2003 passed by the learned Additional Subordinate Judge, Tenkasi confirming the judgment and decree of the learned Principal District Munsif, Tenkasi made in O.S.No.36 of 1996, dated 11.04.2001.

For Appellants : Mr.V.Meenakshi Sundaram
for Mr.D.Nallathambi

For Respondents: Mr.N.Ramesh Arumugam
Government Advocate

J U D G M E N T

A memo has been filed by the appellants side to the effect that as the second appeal is filed against the concurrent findings of the trial Court and the first appellate Court and in order to give quietus to all the issues, it is decided to take recourse under Section 64 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 with liberty to pursue the statutory remedy available under the said Act.



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2. Originally, the suit in O.S.No.36 of 1996 is filed for the relief of declaration and permanent injunction by Arunachalam Pillai and M.Ganesan and the same is dismissed. Against which, an appeal was preferred before the Additional Sub Court, Tenkasi and the said appeal is also dismissed, confirming the judgment and decree of the trial Court. Therefore, this Second Appeal is disposed of recording the said submission, granting liberty to the appellants to pursue the statutory remedy available under Section 64 of the Tamil Nadu Act 22 of 1959. Memo is recorded. The Authority, while deciding the matter under Section 64 of the Tamil Nadu Act 22 of 1959, decide the case on merits and in accordance with law, without influenced by the findings of the above said Courts. There is no order as to costs.

20.10.2023

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

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To

- 1.The Additional Subordinate Judge,
Tenkasi.
- 2.The Principal District Munsif,
Tenkasi.
- 3.The District Collector,
Tirunelveli District,
Kokkirakulam,
Tirunelveli.
- 4.The Commissioner,
Hindu Religious and Charitable Endowment
(Administration),
Chennai.
- 5.The Joint Commissioner,
Hindu Religious and Charitable Endowment
(Administration),
Palayamkottai,
Tirunelveli.
- 6.The Assistant Commissioner,
Hindu Religious and Charitable Endowment
(Administration),
Palayamkottai.
- 7.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

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R.KALAIMATHI,J.

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