



WEB COPY



W.P.No.30954 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30954 of 2014

And

M.P.Nos.1 and 2 of 2014

Purushotham Nagar Alaya Paripalana Sabha
Represented by its President
Shri.J.Ramabadran

... Petitioner

Vs.

1.The State of Tamil Nadu
represented by its Secretary
Tourism, Culture and Religious Endowments Department
Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009.

2.The Joint Commissioner,
Chennai Region,
Hindu Religious and Charitable Endowments Department,
Nungambakkam High Road,
Chennai – 600 034.

3.The Assistant Commissioner
Hindu Religious and Charitable Endowments Department,
Chennai – 600 034. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration declaring that the impugned order dated 21.10.2014 passed in Se.Mu.Na.Ka.No.3820/2014/A1 by the third



W.P.No.30954 of 2014

respondent appointing the Executive Officer of Arulmighu Selva Vinayakar and Kothandaramar Temple of West Tambaram, Chennai as the Fit Person for the Sri Vijaya Ganapathy and Sri Lakshmi Narayana Perumal Temple in No.5, III Cross Street, Purushotham Nagar, Chrompet, Chennai 600 044 administered by the petitioner, as Ultravires to Articles 14, 15(1), 25, 26, 29 and 31 A (1) (b) of the Constitution of India.

For Petitioner : Mr.Naveen Kumar Murthy
for M/s.S.Varsha
For Respondents : Mr.S.Ravichandran
Additional Government Pleader(HR&CE)

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Declaration declaring that the order dated 21.10.2014 passed in Se.Mu.Na.Ka.No.3820/2014/A1 by the third respondent appointing the Executive Officer of Arulmighu Selva Vinayakar and Kothandaramar Temple of West Tambaram, Chennai as the Fit Person for the Sri Vijaya Ganapathy and Sri Lakshmi Narayana Perumal Temple in No.5, III Cross Street, Purushotham Nagar, Chrompet, Chennai 600 044 administered by the petitioner, as Ultravires to Articles 14, 15(1), 25, 26, 29 and 31 A (1) (b) of the Constitution of India.

2.The learned counsel appearing for the petitioner submitted



W.P.No.30954 of 2014

that as against the impugned order, there is effective appeal remedy available to the petitioner before the Joint Commissioner in terms of Section 21 (A) (5) of the HR & CE Act. Hence, this Court, without going into the merits of the case, may grant liberty to the petitioner to exhaust the appeal remedy and issue direction to the Joint Commissioner to consider the same and pass appropriate orders within a reasonable time frame. The learned counsel further prayed that the interim stay granted by this Court on 27.11.2014 may be extended till the disposal of the appeal that is to be filed by the petitioner.

3.The learned Additional Government Pleader (HR&CE) raise no serious objection.

4.Considering the limited request now made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case, permits the petitioner to file appeal in terms of Section Section 21 (A) (5) of the HR & CE Act before the Joint Commissioner, within a period of four weeks from the date of receipt of a copy of this order. If any such appeal is filed by the petitioner, the Joint Commissioner shall consider the same and after providing opportunity to the petitioner as well as the original



W.P.No.30954 of 2014

complainant, pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks thereafter. The order of interim stay granted by this Court on 27.11.2014 and extended until further orders vide order dated 09.01.2015 shall stand extended till the disposal of the appeal that is to be filed by the petitioner.

5.The writ petition is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petitions are closed.

30.08.2024

pri

Index: Yes/ No

Speaking Order: Yes/ No NCC: Yes/ No

To

- 1.The State of Tamil Nadu
represented by its Secretary
Tourism, Culture and Religious Endowments Department
Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009.
- 2.The Joint Commissioner,
Chennai Region,
Hindu Religious and Charitable Endowments Department,
Nungambakkam High Road,
Chennai – 600 034.
- 3.The Assistant Commissioner
Hindu Religious and Charitable Endowments Department,
Chennai – 600 034.

4/5



WEB COPY



W.P.No.30954 of 2014

M.DHANDAPANI,J.
pri

W.P.No.30954 of 2014
And
M.P.Nos.1 and 2 of 2014

30.08.2024