



W.P.No.14766 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.14766 of 2014
and M.P.No.1 of 2014

P.Chokkkalingam

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai – 600 228.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Coimbatore.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Erode.
- 4.The Inspector,
Hindu Religious and Charitable Endowments Department,
Bhavani.
- 5.The Executive Officer,
Arulmigu Sellandiamman Thiru Kovil,
Bhavani Taluk,
Erode District.
- 6.P.Ramasamy
- 7.S.Subbaiah Pandaram
- 8.C.Sakthivel

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records and to quash the order of the 2nd respondent in Se.Mu.Na.Ka.No.5322/2013/ஆ1 dated 19.05.2014, in so far as the appointment of the 5th respondent herein as Fit person/Executive officer alone is concerned and to direct the respondents not to interfere in the administration and management of the temple affairs by the petitioner in the capacity of the hereditary trustee.

For Petitioner : Mr.B.Vijayakumar

For Respondents : Mr.K.Karthikeyan

Government Advocate [R1 to R4]

Mr.E.P.Senniyangiri [R5]

No appearance [R6 to R8]

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus, to call for the records and to quash the order of the 2nd respondent in Se.Mu.Na.Ka.No.5322/2013/ஆ1 dated 19.05.2014, in so far as the appointment of the 5th respondent herein as Fit person/Executive officer alone is concerned and to direct the respondents not to interfere in the administration and management of the temple affairs by the petitioner in the capacity of the hereditary trustee.



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2. The grievance of the petitioner is that, while the petitioner is looking after the administration of the temple in the capacity of the hereditary trustee, the 2nd respondent herein, passed the impugned order dated 19.05.2014, appointing the 5th respondent as Fit person/Executive Officer to take charge of the administration of the temple, which according to him, is arbitrary, unjust and liable to be quashed. Hence, challenging the said impugned order, the petitioner has come forward with the present Writ Petition.

3. When this Writ Petition is taken up for hearing, the learned Government Advocate appearing for the respondents 1 to 4 and learned counsel for the 5th respondent would submit that, as against the impugned order passed by the 2nd respondent, the petitioner is having efficacious remedy of appeal under Section 53(5) of the Hindu Religious and Charitable Endowments Act, 1959 before the Commissioner, HR & CE Department, the 1st respondent herein and without exhausting the said remedy, the present Writ Petition has been filed, which is not maintainable.



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4. Considering the submission now made by learned Additional Government Pleader appearing for the respondents 1 to 4 and the learned counsel for the 5th respondent, this Court feels it appropriate to pass the following order:

“i) the petitioner is at liberty to prefer an appeal as against the impugned order dated 19.05.2014 before the Commissioner/1st respondent herein, within a period of four (4) weeks from the date of receipt of a copy of this order. The interim stay already granted by this Court, dated 09.06.2014, shall be extended accordingly and

ii) the period during which the present Writ Petition has been pending before this Court, shall be excluded for the purpose of limitation to take the appeal on file;

5. With the above observation, the Writ Petition is dismissed. No costs. Consequently, the connected writ miscellaneous petition is closed.

09.08.2024

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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M.DHANDAPANI, J.

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