



WEB COPY



W.P.No.15092 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.15092 of 2014

And

M.P.No.1 of 2014 and W.M.P.No.1989 of 2018

K.Arunagiri

... Petitioner

Vs.

1.The Joint Commissioner,
HR & CE (Admn) Department,
Dr.Balasundaram Road,
Coimbatore – 18.

2.The Assistant Commissioner,
HR & CE (Admn.) Department,
Dr.Balasundaram Road,
Coimbatore.

3.The Executive Officer / Fit Person
at A/m. Anumantharaya Swamy Temple,
Idukkampalayam,
Coimbatore Taluk,
Coimbatore District.

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to appointment of Fit Person passed by the second respondent in his proceedings Nada.Na.Ka.No.4012/2006/A6 dated 16.05.2014 appointing the third



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respondent Executive Officer of A/m.Anumantharaya Swamy Thirukoil, Idukkampalayam, Coimbatore Taluk and Coimbatore District as Fit Person to the Temple A/m. Mariamman Temple, Vellakkinaru, Coimbatore Taluk, Coimbatore District and quash the same.

For Petitioner : Ms.G.Sumitra
For Respondents : Mr.K.Karthikeyan for R1 and R2
Government Advocate (HR & CE)
Mr.R.Rajesh Vivekananthan for R3

ORDER

This writ petition has been filed seeking issuance of Writ of Certiorari calling for the records relating to appointment of Fit Person passed by the second respondent in his proceedings Nada.Na.Ka. No.4012/2006/A6 dated 16.05.2014 appointing the third respondent Executive Officer of A/m.Anumantharaya Swamy Thirukoil, Idukkampalayam, Coimbatore Taluk and Coimbatore District as Fit Person to the Temple A/m. Mariamman Temple, Vellakkinaru, Coimbatore Taluk, Coimbatore District and quash the same.

2.The learned counsel appearing for the petitioner submitted that A/m. Mariamman Temple at Vellakkinaru Village is a non listed Temple and the Deity Mariamman is the Ishta Deivam of the petitioner



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and the petitioner had dedicated his service for the upliftment of the Temple. Whiles, the petitioner's brother one V.K.Sivakumar filed O.A.No.10 of 2007 under Section 63 (b) of HR & CE Act to declare him as Hereditary Trustee on the file of the Joint Commissioner, HR & CE, Coimbatore. The said V.K.Sivakumar died on 26.04.2011 and the petitioner was impleaded as his legal representative in O.A.No.10 of 2007 and during the pendancy of O.A.No.10 of 2007, the impugned order was passed.

3.The learned counsel appearing for the petitioner further submitted that thereafter O.A.No.10 of 2007 was dismissed and challenging the same, the petitioner preferred appeal before the Commissioner, HR & CE, Coimbatore in A.P.No.54 of 2017 and the said appeal was also dismissed and thereafter the petitioner filed O.S.No.530 of 2019 on the file of the Principal Subordinate Court, Coimbatore and the same is pending. Hence, this Court without going into the merits of the case, may permit the petitioner to canvass all the points before the Principal Subordinate Court, Coimbatore in O.S.No.530 of 2019 and may also observe that the impugned order is subject to the result of the suit in O.S.No.530 of 2019.



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4.The learned Government Advocate (HR & CE) appearing for the respondents 1 and 2 submitted that the respondents appointed the Fit Person as a Special Officer for carrying out the Thiruppani work, however, this Court may observe that the impugned order or any consequential order is subject to the result of the suit in O.S.No.530 of 2019 pending on the file of the Principal Subordinate Court, Coimbatore.

5.Recording the submission made by the learned Government Advocate (HR & CE) appearing for the respondents 1 and 2, the writ petition stands disposed of. Liberty is granted to the petitioner to canvass all the points before the Principal Subordinate Court, Coimbatore in O.S.No.530 of 2019. The impugned order or any consequential order is subject to the result of the suit in O.S.No.530 of 2019. No costs. Consequently, the connected miscellaneous petitions are closed.

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

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