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W.P.No.26006 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.26006 of 2024
and
W.M.P.No.28412 of 2024

Sri Malayamman Devasthanam
Rep. By S.Chandrasekaran,
Hereditary Poojari/Trustee,
Kodumudi,
Erode District.

...Petitioner

Vs.

1.The Commissioner,
HR & CE Department,
Chennai-34.

2.The Joint Commissioner,
HR & CE Department,
Erode District.

3. The Fit Person/Executive Officer,
Arulmigu Varadharajaperumal Temple,
Vengampoor, Kodumudi Taluk,
Erode District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for



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issuance of Writ of Certiorari calling for the entire records passed by the second respondent in Se.Mu.Na.Da.Na.Ka.No.6537/2024/Aa3, dated 29.07.2024 and quash the same as ultravires and unconstitutional.

For Petitioner : Mr.R.Singaravelan
for Mrs.V.Ambika

For Respondents : Mr.N.R.R.Arun Natarajan,
Special Government Pleader
(HR & CE)

ORDER

This matter is listed today under the caption "For Being Mentioned".

2. Heard the learned counsels on either side.

3. The learned counsel for the petitioner submitted that in the third line of paragraph No. 5 of the order dated 04.09.2024, it has been erroneously typed as second respondent under Section 54(1) of the HR & CE Act, instead of 1st respondent under Section 54(4) of the HR & CE Act. Therefore, it is submitted that requisite corrections may be made in the said order.



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4. This Court perused the order dated 04.09.2024, more particularly in paragraph No.5 finds that it has been erroneously typed as second respondent under Section 54(1) of the HR & CE Act, instead of 1st respondent under Section 54(4) of the HR & CE Act. Therefore, the same is requires to be corrected.

5. Accordingly, paragraph No.5 of the order dated 04.09.2024 shall stand replaced with the following paragraph:

"5. In view of the limited request sought for by the petitioners, this Court without interfering with the impugned order, directs the petitioner to file an appeal before the 1st respondent under Section 54(4) of the HR & CE Act for the appointment of hereditary trustees within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such application, the 1st respondent shall consider and pass orders after providing opportunity to the petitioner or other legal heirs/hereditary trustees within a period of four weeks thereafter."



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6. All the other observations made in the earlier order dated 04.09.2024 shall remain intact.

7. Registry is directed to carry out the aforesaid corrections and issue fresh order copies to the parties.

09.01.2025

ssn

Note: Issue order copy on 10.01.2025.

To

1.The Commissioner,
HR & CE Department,
Chennai-34.

2.The Joint Commissioner,
HR & CE Department,
Erode District.

3. The Fit Person/Executive Officer,
Arulmigu Varadharajaperumal Temple,
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M.DHANDAPANI, J.,

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09.01.2025