



WEB COPY



W.P. No. 36130 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 36130 of 2023

and

W.M.P. No. 36086 of 2023

S.Chelladurai

... Petitioner

-VS-

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam,
Chennai – 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Pudupalayam,
Cuddalore – 607 001.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Manjakuppam,
Cuddalore – 607 001.
4. The Inspector,
Hindu Religious and Charitable Endowments Department,
Chidambaram Bypass Road,
Bhuvanagiri – 608 601.

5. M.Jayasankar

6. M.Muthukumaran

... Respondents

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



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1950, praying to issue a Writ of Mandamus, directing the First Respondent to consider the representation dated 29.05.2023 made by the Petitioner herein for recalling the hereditary trustee post awarded to the Sixth Respondent against the procedures by the Second Respondent herein and pass appropriate orders within stipulated time period as may be fixed by this Court.

For Petitioner : Mr. T.Sundaravadanam

For Respondents : Mr. N.R.R.Arun Natarajan,
Special Government Pleader
(for R1 to R4)

Mr. A.Muthukumar (for R6)

ORDER

Heard Mr. T.Sundaravadanam, Learned Counsel for the Petitioner, Mr. N.R.R.Arun Natarajan, Learned Special Government Pleader appearing for the First to Fourth Respondents and Mr. A.Muthukumar, Learned Counsel for the Sixth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the First Respondent to re-call the appointment of the Sixth Respondent as the Hereditary Trustee of Arulmigu Vedhanarayana Perumal Temple, Melvalayamadevi Village,



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Bhuvanagiri Taluk, Cuddalore District made by the Second Respondent in contravention of the prescribed procedure by considering the representation dated 29.05.2023 made by the Petitioner.

3. Since the Petitioner has an effective alternative remedy to seek the relief sought in this Writ Petition under Section 26(4) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, before the Second Respondent, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioner to resort to the aforesaid procedure, and he has made an endorsement to that effect in the court record.

In view of the same, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. It is made that clear for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petitions, viz., 12.12.2023, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. Consequently, the connected Miscellaneous Petition is closed. No costs.

10.01.2024

Index: Yes/No



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NCC: Yes/No

Note: Issue order copy by 22.04.2024.

vjt

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P.D. AUDIKESAVALU, J.

vjt

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