



WEB COPY



W.P.No.34522 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.34522 of 2018

And

W.M.P.No.40066 of 2018

P.Adhimoolam

... Petitioner

Vs.

1.The Commissioner
Tamil Nadu Hindu Religious and
Charitable Endowment Department,
Nungambakkam High Road,
Chennai – 600 034.

2.The Joint Commissioner
Tamil Nadu Hindu Religious and
Charitable Endowment Department,
Tiruchi-6.

3.The Assistant Commissioner
Tamil Nadu Hindu Religious and
Charitable Endowment Department,
Ariyalur.

4.C.Kannusamy

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the impugned order dated 10.12.2018 passed by the third respondent made in Che.Mu.Na.Ka.No.2254/2017/A3 and quash the same.



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For Petitioner : Mr.R.Thiagarajan

For Respondents : Mr.K.Karthikeyan for R1 to R3
Government Advocate (HR & CE)
R4 – No Appearance

O R D E R

This writ petition has been filed seeking issuance of Writ of Certiorari to call for the records relating to the impugned order dated 10.12.2018 passed by the third respondent made in Che.Mu.Na.Ka. No.2254/2017/A3 and quash the same.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the Head Hereditary Trustee of Sri Ayyanar @ Sri Vaiyakarai Andavar Temple at Vayalapadi Village, Kunnam Taluk, Perambalur District. Earlier, the fourth respondent filed W.P.24064 of 2017 seeking direction for disposal of his representation for appointment of Fit Person of the subject Temple and pursuant to the order of this Court made in the said writ petition, the second respondent passed an order dated 28.09.2017 and challenging the same, the petitioner filed W.P.No.13742 of 2018 seeking to quash the order dated 28.09.2017. The said writ petition was allowed on 08.06.2018. Thereafter the impugned order appointing Fit Person



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under Section 49 (1) of the H.R. & C.E. Act was passed. The learned counsel further submitted that the Poojaris of the Temple filed O.A.No.6 of 2015 seeking to declare their right to perform poojas in the subject Temple and the said O.A. is pending. Hence this Court without going into the merits of the case may observe that the impugned order is subject to the result of O.A.No.6 of 2015 pending before the second respondent.

3.Considering the submission made by the learned counsel appearing for the petitioner, this Court directs that the order dated 10.12.2018 passed by the third respondent in Che.Mu.Na.Ka.No.2254/2017/A3 is subject to the result of O.A.No.6 of 2015 pending before the second respondent.

4.The writ petition is disposed of with the above observation. 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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M.DHANDAPANI,J.
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To

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