



W.A(MD)No.897 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A(MD)No.897 of 2024
and
C.M.P(MD)No.6663 of 2024**

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Uthamar Gandhi Salai,
Nungampakkam,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Sivagangai,
Sivagangai District.

3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Paramakudi.

... Appellants/Respondents 1 to 3

vs.

1.M.Arunachalam

... 1st Respondent/Writ Petitioner

2.The Executive Officer,
Arulmigu Koppudaiya Nayagi Amman Temple,
Karaikudi, Sivagangai District.

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3.M.Palaniappan
4.S.Ramalingam
5.A.Meyyappan
6.S.Manivannan
7.M.Arumugam
8.R.Govindan
9.R.Ramasamy
10.L.Illancheliyan

... Respondents 2 to 10/
Respondents 4 to 12

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 28.12.2023 made in W.P(MD)No.14793 of 2018.

For Appellants

: Mr.P.Subbaraj
Special Government Pleader

For Respondents

: Mr.RM.Arun Swaminathan
for R.1

JUDGMENT

[Judgment of the Court was made by R.SURESH KUMAR, J.)

This Appeal has been directed against the common order passed by the learned Judge in exercising the jurisdiction under Article 226 of the Constitution, by order, dated 28.12.2023 in W.P(MD)No.14793 of 2018 etc., batch.



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2.Heard Mr.P.Subbaraj, learned Special Government Pleader appearing for the appellants and Mr.RM.Arun Swaminathan, learned counsel appearing for the first respondent.

3.We have gone through the order passed by the learned Judge, which is impugned herein. Insofar as the Management of the Temple is concerned, already a scheme has been framed by this Court in Appeal Nos.116 of 1956 and 117 of 1956, dated 24.12.1959.

4.Though such a scheme had been framed long back ie., in the year 1959, for several years, for one reason or other, the scheme has not been fully implemented, the appellants' counsel stated.

5.Having gone through all these aspects, the learned Judge has passed a very detailed order and ultimately concluded that the Writ Petitions which are seeking the prayer to implement the scheme, dated 24.12.1959 deserve to be allowed, accordingly, those Writ Petitions were allowed through the impugned order.



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6.If there has been a scheme framed by the civil Court, confirmed by the High Court and the scheme so far has not been modified or altered by any competent Court, naturally the scheme has to be implemented and for such an implementation, no other factor can stand in the way and HR & CE Department also to take steps to implement the scheme.

7.When that being so, the direction given by allowing the Writ Petitions through the impugned order by the learned Judge cannot be found to be erroneous and therefore, no interference is called for in the Judgment impugned, dated 28.12.2023.

8.At one point of time, the learned Special Government Pleader appearing for the appellants has made a request to this Court to extend the time that has been allowed by the learned Judge through the impugned order to implement the scheme as some practical difficulties have to be sorted out.



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9. Though the learned Judge in the impugned order has given four weeks time from 11.01.2024 to comply with the directions given therein to implement the scheme and we are in the second week of June 2024 and still, since the appellants want some more time to be extended for implementation of the scheme, viz-a-viz., complying the orders passed by the Writ Court, which is impugned herein, we are inclined to grant further three months time from today to implement the orders passed by the learned Judge, dated 28.12.2023. It is made clear that no further extension shall be entertained and granted.

10. With these observations and directions, this Writ Appeal is dismissed. However, there shall be no order as to costs.

[R.S.K.,J.] [G.A.M.,J.]
10.06.2024

NCC : Yes / No
Index : Yes / No
ps



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R.SURESH KUMAR,J.
and
G.ARUL MURUGAN,J.

ps

ORDER MADE IN
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DATED : 10.06.2024