



W.P.(MD) No.12397 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.12397 of 2024

K.Venkateshan

... Petitioner

/vs./

- 1.The Commissioner,
Hindu Religious and Charitable Endowments,
Chennai -24.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Sivagangai District.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Ramanathapuram District.
- 4.Thakkar/Fir Person,
Vadaku Vasal Chelliamman Temple,
Kappanur Village,
Kadaladi Taluk,
Ramanathapuram District.

5.A.Muthupandi

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent to remove the temporary Trustee Muthupandi / 5th respondent and the festival Committee of the temple namely, Arulmigu Vadakku Vasal Selliyyamman Kovil by considering the representation of the petitioner dated 15.04.2024.

For Petitioner : Mr.K.S.Duraipandian
For R1 to R3 : Mr.P.Subbaraj
Special Government Pleader
For R5 : Mr.Raja.Karthikeyan

ORDER

Heard Mr.K.S.Duraipandian, learned counsel for the petitioner, Mr.P.Subbaraj, learned Special Government Pleader for the respondents 1 to 3 and Mr.Raja.Karthikeyan, learned counsel for the fifth respondent.

2. There is no merit in the present writ petition.

3. This is the third round of writ petition before this Court. Earlier, the petitioner had approached this Court along with others in W.P.(MD) No.26041 of 2023 challenging the appointment of a Fit Person by the third respondent, namely the Assistant Commissioner.



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4.By an order dated 01.11.2023, the writ petition filed by the petitioner and 4 others were disposed of with the following observations:

“6.Though the petitioners claim that they are administering the said Temple for the past seven generations and have filed an application to declare them as Hereditary Trustees under Section 63(b) of the said Act, the third respondent, namely, the Assistant Commissioner, Hindu Religious and Charitable Endowments Department, Ramanathapuram District, has appointed the fifth respondent as Non-Hereditary Trustee only for administration and maintaining the properties of the Temple properly. Therefore, no interference is required with the impugned order passed by the third respondent. However, the second respondent, namely, the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Sivagangai District, shall conclude the proceedings in O.A.No.6 of 2023 filed by the petitioners as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order. If it is veracious that the petitioners are administering the said Temple for the past seven generations, they shall be permitted to function as Administrators of the said Temple along with the NonHereditary Trustee. In the event, if the fifth respondent takes any decision dominating the administration or with regard to the properties of the Temple, the petitioners are at liberty to report the same before the third respondent.

7.Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.”

5.Thereafter, the same petitioners in W.P.(MD) No.26041 of 2023, which included the petitioner herein as the first petitioner, had filed W.P.(MD) No.2106 of 2024 for the following relief:



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“Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to conduct an inquiry in view of the complaint dated 26.12.2023 and consequently allow the petitioners to administer the temple peacefully without the interference of the private respondents and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.”

6.By an order dated 12.04.2024, this Court had disposed of W.P.(MD) No. 2106 of 2024 with the following observations:

“5.Although elaborate submissions were made by the learned counsel for the petitioners and the private respondents herein, I am of the view, to meet the ends of justice, it would be ideal that O.A.No.6 of 2023 filed by the petitioners before the second respondent under Section 63(b) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 is disposed of on merits and in accordance with law, within a period of 8 weeks from the date of receipt of a copy of this order.

6.Considering the fact that the petitioners may not have impleaded all the private respondents herein, in O.A.No.6 of 2023, a direction is given to the second respondent to issue notice to all the private respondents herein including the newly impleaded tenth respondent before passing order in O.A.No.6 of 2023.

7.Accordingly, this Writ Petition stands allowed with the above observations. No costs. Consequently, connected Miscellaneous Petition is closed.”

7.Despite the same, the petitioner has filed this writ petition. There is no



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merit in the present writ petition.

8.The petitioner has suppressed the above facts and has filed this Writ Petition. As such, the petitioner should be ordered cost. However, I am refraining from imposing cost.

9.Accordingly, the Writ Petition stands dismissed. No costs.

Index : Yes / No
Internet : Yes / No
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13.06.2024

To

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C.SARAVANAN, J.

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