



W.P.(MD) No.16724 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.16724 of 2024
and
W.M.P.(MD) No.14470 of 2024**

Viswakarma Pothu Nala Poonga Trust,
Arulmighu Saneeswaran Temple,
represented through its Treasurer
Ramachandran

... Petitioner

/vs./

1.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowment,
Sivagangai District,
Sivagangai.

2.The Assistant Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowment,
Paramakudi,
Ramanathapuram District.

3.The Thakkar/Executive Officer,
Arulmigu Muthumariamman Temple,
Meenakshipuram,
Karaikudi Taluk,
Sivagangai District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned order dated 08.07.2024 passed by the 3rd respondent and quash the same as illegal.

For Petitioner : Mr.K.Chengiz Khan

For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

This writ petition is disposed of at the time of admission after hearing the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

2.In this writ petition, the petitioner has challenged the impugned communication of the third respondent asking the petitioner to hand over the charge of the subject temple, namely Arulmighu Saneeswaran Temple situated at Mazeeth Road, Sivagangai.

3.The case of the petitioner is that the temple is an old temple and is managed by a Committee of petitioner trustee, which was conceived in 1989 and



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that it was managed without any disharmony. However, one Babu, who was the Secretary, had misappropriated certain funds and therefore action was taken to remove him.

4.Under these circumstances, the said Babu had given a complaint on 17.06.2020, pursuant to which an order was passed by the first respondent/the Joint Commissioner to take over the temple and thereafter an order was passed by the Assistant Commissioner/the second respondent on 20.06.2020 in his proceedings bearing Ref.Se.Mu.Na.Ka.No.1621/2020/A8.

5.The aforesaid order was challenged by the petitioner in W.P.(MD) No. 12122 and 12130 of 2020. Initially, this Court had entertained the writ petition and had granted interim stay of the respective orders of the respondents 1 and 2 dated 17.06.2020 and 20.06.2020. However, on 04.01.2023, the petitioner withdrew the writ petition by undertaking to file a Revision Petition under Section 21-A of the HR & CE Act, 1959 before the Commissioner.



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6.It is noticed that after withdrawing the writ petition, instead of filing a Revision under Section 21-A of the HR & CE Act, 1959, an appeal under Section 69 of the HR & CE Act, 1959 was filed before the Commissioner, which was apparently returned on 14.03.2023. No steps have been taken to re-present the same as a Revision under Section 21-A of the HR & CE Act, 1959. Now, the petitioner has challenged the impugned communication of the third respondent.

7.In my view, there is no merit in the present writ petition. The petitioner ought to have been vigilant and ought to have filed the Revision Petition immediately after the writ petition was withdrawn on 04.01.2023. Even if the appeal was filed by mistake under Section 69 of the HR & CE Act, 1959 on 21.02.2023, it was returned on 14.03.2023. The petitioner ought to have re-presented the same as Revision Petition under Section 21-A of the HR & CE Act, 1959.

8.Under these circumstances, I find no merit in this writ petition. However, I am inclined to grant a temporary relief to the petitioner by keeping the impugned order in abeyance for a period of 60 days from today. The petitioner



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shall re-present the appeal, which was returned on 14.03.2023, before the Commissioner as the Revision Petition under Section 21-A of the HR & CE Act, 1959 as was permitted, when the writ petition in W.P.(MD) No.12122 of 2020 was withdrawn on 04.01.2023.

9.In case, the petitioner secures any interim order from the Commissioner, the impugned order shall be kept in abeyance. In the alternative, the petitioner shall hand over the charge to the third respondent.

10.With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No

23.07.2024

Internet : Yes / No

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To

1.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowment,
Sivagangai District,
Sivagangai.

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- 2.The Assistant Commissioner,
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- 3.The Thakkar/Executive Officer,
Arulmigu Muthumariamman Temple,
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C.SARAVANAN, J.

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