



W.P.(MD)No.17552 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.17552 of 2024

P.Pullan

... Petitioner

Vs.

The Joint Commissioner,
Joint Commissioner Office,
Hindu Religious and Charitable Endowment Department,
Sivagangai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records of the respondent dated 14.06.2024 in proceedings A.Thi.Ka.No.1855/2024/E1, quash the same as the same is arbitrary, ultravires, contrary to Section 26, Charitable Endowment Act, 22/1959 and consequentially number and dispose of the application on merits.

For petitioner : Mr.R.G.Shankar Ganesh

For respondent : Mr.P.Subbaraj
Special Government Pleader



W.P.(MD)No.17552 of 2024

WEB COPY

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondent.

2. The petitioner is before this Court against the impugned communication dated 14.06.2024 bearing reference in அதிக எண்.1855/2024/இ1 of the respondent herein.

3. By the impugned communication, the respondent has declined to number the application filed by the petitioner under Section 63(b) of the TNHR&CE Act, 1959.

4. Ostensible reason in declining to number the petitioner's application is that the petitioner appears to be pending with W.P.(MD)No.30348 of 2023 filed by one N.Pullan.

5. It appears that earlier one Alagarsamy, who appears to be a Pangali of the petitioner and who also claims the rival rights over the Temple, also filed W.P.



W.P.(MD)No.17552 of 2024

(MD)No.2640 of 2024 before this Court, which came to be disposed of on 08.02.2024. Mere pendency of the W.P.(MD)No.30348 of 2023 cannot be a ground for declining to number the application filed by the petitioner under Section 63(b) of the TNHR&CE Act, 1959.

6. Under these circumstances, there shall be a positive direction to the respondent to number the application filed by the petitioner under Section 63(b) of the TNHR&CE Act, 1959 and dispose of the same on merits as expeditiously as possible. Needless to state, such order shall be passed only after hearing the petitioner and the persons, who are likely to be impacted by the orders that to be passed.

This Writ Petition is allowed with above directions. No costs.

Index : Yes / No
Internet : Yes / No
apd

30.07.2024

To
The Joint Commissioner,
Joint Commissioner Office,
Hindu Religious and Charitable Endowment Department,

3/4



W.P.(MD)No.17552 of 2024

WEB COPY Sivagangai.

C.SARAVANAN, J.

apd

W.P.(MD)No.17552 of 2024

30.07.2024