



WP(MD). No.18675 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 12/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.18675 of 2024
and WMP(MD) Nos.15804 and 15806 of 2024**

K.Mariappan

... Petitioner

Vs

1. The District Collector,
Office of the Collectorate,
Sivagangai.

2. The Tahsildar,
Taluk Office,
Ilayangudi, Sivagangai District.

3. M.Venkatesan Chettiyar,
Hereditary Trustee,
Arulmigu Muthumariamman Temple,
Thayamangalam Post,
Ilayangudi Taluk,
Sivagangai Distirct.

4. R.Veeriyah,
President, Ramanathapuram Pasumpon Muthuramalingam,
District Common Workers Union,
15/8-10th Cross Street, Majith Road, Sivagangai..

... Respondents



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PRAYER :-

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Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari calling for the records pertaining to the impugned order passed by the 2nd respondent vide his proceedings in P.Ve.A1/182/2024 dated 25.04.23024 and quash the same illegal.

For Petitioner : Mr.D.Senthil

For Respondents : Mr.D.Sadiq Raja for R1& R2
Additional Government Pleader
Mr.T.S.Mohammed Mohideen for R3

ORDER

The writ petition has been filed challenging the impugned notice of the 2nd respondent dated 25.04.2023 calling the petitioner for an enquiry.

2. It is the case of the petitioner that the petitioner is a Navithar by profession. The petitioner originally filed proceedings in Case No. 47/1981 under Section 63(e) of the Hindu Religious and Charitable Endowment Act, before the Joint Commissioner claiming hereditary rights as Navithar. The said application was dismissed originally. Subsequently the third respondent passed an order vide proceedings

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dated 04.03.2024 and schedule was fixed for the period from Chithirai to Maasi. Similarly, the four groups were allotted slots. The petitioner has also accepted the same. Now the 4th respondent, who has got no connection with the temple and got no authority, has given an application before the Tahsildar and based on that enquiry notice was issued.

3. I have considered the rival submissions and perused the materials available on record.

4. As the right is governed under the HR&CE Act and the Commissioner is the competent person to decide the issue, this Court is of the view that the Tahsildar has no right whatsoever to go into the issue. Accordingly, the writ petition is allowed and the impugned notice dated 25.04.2024 is hereby quashed. No costs. Consequently connected Miscellaneous Petitions are closed.

12.09.2024

NCC : Yes/No
Index : Yes/No
RR

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N.SATHISH KUMAR,J

RR

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