



W.A(MD)No.1635 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2024

CORAM :

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A(MD)No.1635 of 2024
and
CMP(MD)No.12763 of 2024**

Hari Anand

... Appellant

vs.

1. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department, Madurai.

V.Rasu Pillai (Died)

2. M.Deivandran

3. V.Pichai Pillai

4. V.Mupilian

5. P.Ariyanayagam

6. R.Chinnadurai

7. The Executive Officer,
A/m. Mahadevaswamy Temple,
Raja Mill Road, Madurai.

8.. Maheshwari

... Respondents



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Prayer : Appeal filed under Clause 15 of the Letters Patent, against the order dated 11.06.2024 in W.P(MD)No.12140 of 2024.

For Appellant : Mr.K.S.Kathiravan

For R1 : Mr.S.P.Maharajan
Special Government Pleader

For R7 : Mr.S.Manohar

JUDGMENT

(Judgement of the Court was made by **R.SUBRAMANIAN, J.**)

We do not find any merit in the Writ Appeal.

2. The appellant resorted to Order VII Rule 11 of the Code of Civil Procedure to seek rejection of an application filed under Section 63 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 [hereinafter referred to as "the H.R. & C.E. Act"], before the Joint Commissioner, Hindu Religious and Charitable Endowments Department. The Joint Commissioner rejected the said application on the ground that there are specific orders of this Court to conclude the hearing of the main Original Application namely, O.A.No.18 of 2014, which is already 10 years old.



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3. This rejection order was challenged by the appellant / petitioner before the Writ Court. The Writ Court has held that the application under Order VII Rule 11 of the Code of Civil Procedure cannot be entertained by a Joint Commissioner of Hindu Religious and Charitable Endowments Department. The Writ Court also referred to the very limited scope available for rejecting a proceeding under Order VII Rule 11 of the Code of Civil Procedure. It is, this order of the Writ Court that is under challenge before us.

4. We have grave doubts about the applicability of Order VII Rule 11 of the Code of Civil Procedure to proceedings before the Commissioner. Reliance was placed upon Rule 20 of the Holding of Inquiries Rules, which reads as follows:-

"20. The provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908) and the Civil Rules of Practice and Circular Orders shall apply, as far as practicable, to appearance of pleader and to affidavits, production of documents, examination of witnesses, taking of oral evidence, proof by affidavits, filling of exhibits, issue of commissions, return of documents not admitted in evidence, and other connected matters, and the inquiry shall be made, as far as practicable, in the manner laid down in the said Code for the trial of suits."



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5. By no stretch of imagination, can it be said that this Rule could be taken aid of to make Order VII Rule 11 of the Code of Civil Procedure applicable to proceedings before the authorities under the H.R. & C.E. Act. Code of Civil Procedure made applicable is only to the limited extent of appearance of Pleaders, production of documents, examination of witnesses, taking of evidence, issue of commissions and return of admitted documents and other connected matters. The term "other connected matters" has to be read as *ejusdem generis* with the earlier part of the Rule. This will govern only the procedure for taking evidence and appearance of parties before the authorities. The other substantive provisions of the Code cannot be made applicable to such proceedings. Hence, we see no merit in the Writ Appeal. The Writ Appeal fails and it is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

(R.S.M, J.) (L.V.G, J.)
15.10.2024

Index : Yes / No
Neutral Citation : Yes / No
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To

The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department, Madurai.



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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

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JUDGMENT MADE IN
W.A(MD)No.1635 of 2024
DATED : 15.10.2024