



WEB COPY

W.A.(MD).No.665 of 2018



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2024

CORAM

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A.(MD).No.665 of 2018
and
C.M.P.(MD).No.3724 of 2018

Saiva Samarasa Sutha Sanmarga Sabai,
Represented by its President,
Ottanchathiram,
Dindigul District,
Dindigul.

... Appellant / Petitioner

Vs.

- 1.The Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Board,
Chennai.
- 2.The Assistant Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Board,
Dindigul.
- 3.The Executive Officer,
Arulmigu Kalakasteeswaran Temple,
Dindigul,
Dindigul District.

... Respondents/ Respondents



W.A.(MD).No.665 of 2017

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order dated 06.12.2017 made in W.P.(MD).No.13916 of 2015 on the file of this Court and allow the above Writ Appeal.

For Appellant : Mr.J.Lawrance
For R-1 & R-2 : Mr.P.Subburaj
Special Government Pleader
For R-3 : Mr.A.K.Baskarapandian

JUDGMENT

(Judgment of the Court was made by A.D.JAGADISH CHANDIRA,J.)

The Writ Appeal has been filed by the writ petitioner aggrieved against the order dated 06.12.2017 passed by the learned Single Judge in W.P.(MD).No.13916 of 2015.

2. The Writ Petition was filed challenging the order made by the second respondent in his proceedings in Sa.Mu.Na.Ka.1135/2015/A3, dated 04.06.2015 and quash the same as illegal and consequentially, forbear the respondents from in any way interfering with the appellant/petitioner's right to administration of Saiva Samarasa Sutha Sanmarga Sabai, Dindigul.



3. The learned Single Judge, having dealt with the scope of Article 26 of the Constitution of India, which speaks about the rights of the religious denominations and Section 107 of H.R.&C.E. Act, which clarifies the conferment of power of the authorities under the HR&CE Act in consonance with Article 26 of the Constitution of India, dismissed the writ petition by order dated 6.12.2017, observing that the properties of the religious institutions are being mismanaged in one way or the other and it is the right time to ring the bell to safe-guard the interests of the religious institutions in all over the State to ensure that they are being properly managed and its properties are being utilised only to achieve the objectives for which they were established for several centuries ago.

4. When the appeal was taken up for hearing, it was brought to the notice of this court that during the pendency of the Writ Appeal, the Commissioner of Hindu Religious and Charitable Endowments Department had issued proceedings vide Se.Mu.Na.Ka.No.79494/2021-5/Z1, dated 20.11.2021, declaring the Arulmigu Thanneer Pandal Dharmam situated at Oddanchathiram, Oddanchathiram Taluk, Dindigul District, in respect of which, the appellant is claiming administration rights, as a sub temple of Arulmigu Dhandayudhapanisamy Temple, Palani and thereby the Writ



W.A.(MD).No.665 of 21

Appeal filed against the order passed by the learned Single Judge with regard to the earlier cause of action cannot be sustained.

WEB COPY

5. At this juncture, learned counsel for the appellant would submit that the proceedings dated 20.11.2021 issued by the first respondent, Commissioner of H.R. & C.E. has not been served on the appellant till date and seeks for liberty to challenge the same on receipt of the same.

6. In view of the above submission, we feel that nothing survives for adjudication in the Writ Appeal. Hence, the Writ Appeal is dismissed. Needless to say that it is open to the appellant to challenge the proceedings of the Commissioner of Hindu Religious and Charitable Endowments Department dated 20.11.2021, in the manner known to law, if so desired. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(A.D.J.C.,J.) (K.R.S.,J.)
25.06.2024

NCC : Yes / No
Index : Yes / No
Lm/ssk.



W.A.(MD).No.665 of 20

To

- 1.The Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Board,
Chennai.
- 2.The Assistant Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Board,
Dindigul.
- 3.The Executive Officer,
Arulmigu Kalakasteeswaran Temple,
Dindigul,
Dindigul District.



WEB COPY



W.A.(MD).No.665 of 2018

A.D.JAGADISH CHANDIRA,J.
and
K.RAJASEKAR,J.

Lm/ssk.

W.A.(MD).No.665 of 2018

25.06.2024