



W.P(MD)No.19951 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2024

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD)No.19951 of 2024

and

W.M.P(MD)No.16907 of 2024

S.Sekar

... Petitioner

Vs.

The Joint Commissioner,
Hindu Religious Charitable and Endowments Department,
Thanjavur.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondent from in any manner interfering with the peaceful day to day administration of the Temple, namely, Arulmighu Perichiyappa Swamy Thirukkivil situated at Athivatti Village, Pattukottai Taluk, Thanjavur District by the petitioner and pass such other orders as this Court.

For Petitioner : Mr.B.Jameelarasu

For Respondent : Mr.K.S.Selvaganesan
Additional Government Pleader



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ORDER

The present writ petition is filed for Mandamus, forbearing the respondent from in any manner interfering with the administration of the Temple, viz., Arulmighu Perichiyappa Swamy Thirukkovil situated at Athivatti Village, Pattukottai Taluk, Thanjavur District by the petitioner.

2. It is submitted that the petitioner is a hereditary trustee and ever since the death of his father in the year 1995, he has been in-charge of the administration of the Temple in his capacity as a hereditary trustee, until the officials of the HR and CE Department took over possession of the Temple from the petitioner. It is submitted that an OA has been filed by the petitioner under Section 63(b) of the HR and CE Act before the Joint Commissioner / the respondent herein to declare the petitioner as a hereditary trustee.

3. The learned Additional Government Pleader for the respondent refuted the same and submitted that a fit person had been appointed vide order, dated 02.12.2020 in terms of Section 49(1) of the HR and CE Act. In view of the fact that an original application has already been filed, this Court is inclined to



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direct the respondent to dispose of the original application, if it is otherwise in order, within a period of six months from today.

4. It is submitted by the learned Counsel for the petitioner that the above order, dated 02.12.2020 passed under Section 49 has been made without even putting the petitioner on notice and thus, seeks liberty of this Court to challenge the same. This Court is not inclined to express anything on the merits, it is open to the petitioner, if so advised, to challenge the order, dated 02.12.2020, whereby, the fit person was appointed. The Joint Commissioner shall decide the original application after putting the petitioner and other interested parties / stakeholders on notice.

5. The writ petition stands disposed of with the above direction. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

21.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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MOHAMMED SHAFFIQ, J.

BTR

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