



W.P(MD)No.20439 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2024

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD)No.20439 of 2024

and

W.M.P(MD)Nos.17341 & 17342 of 2024

Mayilvanan

... Petitioner

Vs.

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

2.Rajiv Gandhi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent passed in O.A.No.18 of 2023, dated 18.03.2024 and quash the same as illegal and consequently declare the petitioner as Hereditary Trustee of Arulmigu Muthalamman Temple at Bodipatti, Mallapuram Village, Gujiliyamparai Taluk, Dindigul under Section 63(b) of the Hindu Religious and Charitable Endowment Act, 1959 and for other reliefs and to pass such other orders as this Court.



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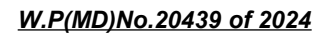
For Petitioner : Mr.J.Lawrance

For R-1 : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

The present writ petition is filed challenging the impugned order, dated 18.03.2024, whereby, the petitioner's application under Section 63(b) of the Hindu Religious and Charitable Endowment Act, 1959, to declare him as the hereditary trustee in respect of Arulmigu Muthalamman Temple at Bodipatti, Mallapuram Village, Gujiliyamparai Taluk, Dindigul was rejected.

2. The challenge is made on the premise that the order of the respondent authority is contrary to the decree of the District Munsif Court, Vendasandur in O.S.No.218 of 1998, dated 22.01.1999. To the contrary, it was submitted by the learned Additional Government Pleader for the respondent that this order is an appealable order and therefore, the writ petition ought not to be entertained as it may require examination into questions of fact as to whether the petitioner is entitled to succeed to the office as a hereditary trustee in terms of Section 54 of HR & CE Act.



5. Accordingly, the writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

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



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MOHAMMED SHAFFIQ, J.

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