



W.A.(MD)No.86 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD)No.86 of 2024

and

C.M.P.(MD)No.791 of 2024

Mani @ Karuppaiah

... Appellant

-Vs-

1.Arulmigu Jayamkonda Chozheeswarar Temple,
Soundaranayaki Amman Temple,
Rep. by its Trustee,
PL.Viswanathan Chettiar

2.The Joint Commissioner,
Hindu Religious Endowment Department,
Sivagangai District.

... Respondents

PRAYER: Appeal filed under Section 15 of Letters Patent, praying this Court to set aside the order dated 26.04.2023 in W.P.(MD)No.10040 of 2023 on the file of this Court.

For Petitioner : Mr.G.Prabhu Rajadurai

For R1 : Mr.RM.Arun Swaminathan

For R2 : Mr.S.P.Maharajan,
Special Government Pleader



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JUDGMENT

[Judgment of the Court was delivered by *D.KRISHNAKUMAR, J.*]

The appellant has filed this Writ Appeal on the ground that the Writ Court has not provided any opportunity to him and disposed of the Writ Petition at the time of admission itself. Further, the 1st respondent has not disclosed the earlier order dated 25.11.2022 passed in W.P.(MD)No.26632 of 2022.

2.Heard both sides. By consent of both parties, this Writ Appeal is taken up for final disposal at the stage of admission itself.

3.We have carefully gone through the order dated 25.11.2022 passed by the Writ Court, which is only a direction to the 2nd respondent herein to put the petitioner on notice of the materials available with him. The grievance of the appellant is that without following the earlier directions passed by the Writ Court, the respondents cannot proceed with the action under Section 78 of the Hindu Religious and Charitable Endowments Act, 1959. To that extent, we clarified that the 2nd respondent shall also take note of the earlier order passed by this Court dated 25.11.2022 and to comply with the same. On receipt of such notice from the 2nd respondent, the appellant shall also produce all the relevant records before



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the 2nd respondent to establish his right in the subject property. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

4. With the above directions, this Writ Appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [R.V., J.]

23.01.2024

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

Yuva

To

The Joint Commissioner,
Hindu Religious Endowment Department,
Sivagangai District.



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