



W.P.(MD) No.18733 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

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and

M.P.(MD) No.1 of 2015

Kalappara Family Trust @
Kalappara Family Vaka,
Perumalmadam Trust,
rep. by its Secretary
K.P.Kesavan Thampi,
Siva Sree, MGRA – 15,
Anayara, Trivandrum -29.

... Petitioner

Vs.

1.The Assistant Commissioner,
Hindu Religious & Charitable Endowment
(Administration) Department,
Nagercoil, Kanyakumari.

2.Fit Person,
Arulmigu Kanni Vinayagar Temple,
Vadiveeswaram Village,
Agateeswaram Taluk,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Ceriorarified Mandamus calling for the impugned order of the first respondent in Se.Mu.Na.Ka.No.1551/2015/A3 dated



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25.06.2015 and quashing the same and consequently forbearing the respondents herein, their officials and subordinates from in any manner interfering with the petitioner's private Madam “Kalappara Family Trust @ Kalappara Family Vaka, Perumalmadam Trust”, its administration and function.

For Petitioner : Mr.K.Suresh Kumar
For R1 : Mr.P.Subbaraj
Special Government Pleader
For R2 : No appearance

ORDER

The petitioner has filed this Writ Petition for issuance of a Writ of Ceriorarified Mandamus calling for the impugned order dated 25.06.2015 bearing reference Se.Mu.Na.Ka.No.1551/2015/A3 passed by the first respondent and quashing the same and consequently forbearing the respondents herein, their officials and subordinates from in any manner interfering with the petitioner's private Madam “Kalappara Family Trust @ Kalappara Family Vaka, Perumalmadam Trust”, its administration and function.

2. The learned counsel for the petitioner submits that he has no instructions from the petitioner.



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3. The learned Special Government Pleader for the first respondent, on the other hand, submits that the dispute pertains to a math which is covered by Section 49 of the Hindu Religious and Charitable Endowments Act, 1959 and under the jurisdiction of the first respondent.

4. Considering the submissions of the learned counsel for the petitioner that he has no instructions from the petitioner and considering the submission that the trust in question is a math governed by Section 49 of the Hindu Religious and Charitable Endowments Act, 1959, I find no merits in the present Writ Petition.

5. Therefore, this Writ Petition is liable to be dismissed and is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

02.04.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
JEN

Copy To: The Assistant Commissioner,
Hindu Religious & Charitable Endowment
(Administration) Department,
Nagercoil, Kanyakumari.



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C.SARAVANAN, J.

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