



W.A.(MD) No.1600 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2024

CORAM

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

W.A.(MD) No.1600 of 2024

and

C.M.P.(MD) Nos.12489 & 12490 of 2024

Alanganallur Naatamaikara Vagaiyara
Rep. by Thiru.Prem Kumar,
Alanganallur Village, Vadipatti Taluk,
Madurai District.

... Appellant

Vs.

- 1.The Commissioner,
H.R. & C.E. Department,
Chennai.
- 2.The Joint Commissioner,
H.R. & C.E. Department,
Madurai.
- 3.The Executive Officer,
Arulmigu Muniyandiswamy Temple,
Alanganallur, Madurai.
- 4.R.Venkitaswamy
S/o.Ramasamy Naidu

... Respondents



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Prayer:- Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 12.08.2024 made in W.P.(MD) No.6404 of 2024.

For Appellants : Mr.G.Prabhu Rajadurai

For R1 to R3 : Mr.S.P.Maharajan
Special Government Pleader

J U D G M E N T

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

The petitioner is aggrieved by the dismissal of the Writ Petition, the challenge in which was the order of the Commissioner of the Hindu Religious and Charitable Endowments Department [hereinafter referred to as 'H.R. & C.E.'] made under Section 69(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 [hereinafter referred to as 'Act'] in an appeal filed against the order of the Joint Commissioner of H.R. & C.E. made under Section 63(e) of the Act.

2. The appellant claims a right to certain honours in the temple and was able to convince the Joint Commissioner that they are entitled to the said honours. On appeal, the Commissioner of H.R. & C.E., however,



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found that the appellant has not established that they have a right to those honors and as an additional ground, held that the conferment of honor is against the provisions of Section 106 of the Act. It is this order of the Commissioner, which was put in issue in the Writ Petition.

3. The Writ Court dismissed the Writ Petition mainly on the ground that Section 70 of the Act provides for a regular suit against the order of the Commissioner. In the course of the order, the Writ Court made certain observations, which, according to Mr.G.Prabhu Rajadurai, the learned counsel for the appellant, would be prejudicial if the appellant is to move to the Civil Court under Section 70 of the Act. Another ground is urged by Mr.G.Prabhu Rajadurai, contending that the Commissioner ought to have given notice to the appellant for invoking Section 106 of the Act. He would claim that Section 106 of the Act cannot be applied to the case on hand.

4. We have considered the submissions made by the learned counsel for the appellant and the learned Special Government Pleader for the first to third respondents.



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5. We find that the self-imposed restrictions regarding the exercise of power under Article 226 of the Constitution of India would prevent us from faulting the Writ Court for having dismissed the Writ Petition on the ground that the appellant has an alternate remedy under the statute, which governs the situation. We, however, make it clear that none of the observations found in the order of the Writ Court will prejudice the appellant if they move to the Civil Court under Section 70 of the Act.

6. The Civil Court will decide the issue on merits without being influenced by any of the observations of the learned Single Judge in the order dated 12.08.2024 made in W.P.(MD) No. 6404 of 2024. We also make it clear that the applicability of Section 106 of the Act to the case on hand will also be considered by the Civil Court independent of any observations made by the Commissioner in the order impugned in the writ petition. It is stated by the learned counsel for the appellant that the suit has already been filed under Section 70 of the Act. The Civil Court will do to expedite the suit.



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WEB COPY 7. This Writ Appeal fails and is therefore dismissed. No costs.

Consequently, the connected Miscellaneous Petitions are closed.

R.S.M., J. S.M., J.

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Index: No
Neutral Citation: No
Speaking Order

JEN

To:

- 1.The Commissioner,
H.R. & C.E. Department,
Chennai.
- 2.The Joint Commissioner,
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- 3.The Executive Officer,
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