



WP(MD)Nos.21999, 22349 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)Nos.21999, 22349 of 2023

and

WMP(MD)Nos.18341, 18627 of 2023

WP(MD)No.21999/2023:-

1.N.Muthukumar

2.A.Mahendran

.. Petitioners

v.

1.The Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Board,
Santhome, Chennai.

2.The Joint Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Board,
Dindigul.

3.A.Sivasubramanian

4.S.Ganesan

5.R.Murugan



WP(MD)Nos.21999, 22349 of 2023

6.The Executive Officer,
Arulmigu Poolantheeswarar Temple,
Chinnamanur,
Theni District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the order in Pro.K.Dis.No.35378/2023/D2 dated 12.08.2023, passed by the first respondent, quash the same and transfer the petition in O.A.No.11 of 2021 from the file of the second respondent to any other Joint Commissioner, under the control of the first respondent, for disposal.

For Petitioners : Mr.R.Suriyanarayanan

For Respondents : Mr.P.Subba Raj,
Special Government Pleader
for R.1, R.2

Ms.Dhivya Bharathi
for R.3 to R.5

No appearance for R.6



WP(MD)Nos.21999, 22349 of 2023

WP(MD)No.22349/2023:-

Govindarajan

.. Petitioner

v.

1.The Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowments Board,
Santhome, Chennai.

2.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowments Board,
Dindigul.

3.D.Selvakumar

4.The Executive Officer,
Arulmigu Pulantheeswarar Temple,
Chinnamanur,
Theni District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the order in Pro.K.Dis.No.36380/2023/D2 dated 10.08.2023, passed by the first respondent, quash the same and consequently, directing the first respondent to transfer O.A.No.12 of 2021 from the file of the second respondent to any other Joint Commissioner, under the control of the first respondent, for disposal.



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WP(MD)Nos.21999, 22349 of 2023

For Petitioner : Mr.R.Suriyanarayanan

For Respondents : Mr.P.Subba Raj,
Special Government Pleader
for R.1, R.2

Ms.Dhivya Bharathi for R.3

No appearance for R.4

COMMON ORDER

The petitioner in WP(MD)No.22349 of 2023 has filed an application in O.A.No.15 of 2016 before the Joint Commissioner, Madurai, seeking 8th day Mandagapadi honours during Chithirai festival of Arulmigu Poolanandheeswarar Temple, Chinnamanur. Similarly, the petitioners in WP(MD)No.21999 of 2023 have filed an application in O.A.No.6 of 2020 before the Joint Commissioner, Madurai, seeking 4th day Mandagapadi honours during the Chithirai festival.

2.Due to bifurcation of the Office of the Joint Commissioners, these applications were transferred from Joint Commissioner, Madurai to Joint Commissioner, Dindigul and renumbered as O.A.No.12 of 2021 [then



O.A.No.15 of 2016] and O.A.No.11 of 2021 [then O.A.No.6 of 2020]. In order to transfer these applications from the Joint Commissioner, Dindigul to any other Joint Commissioners, the respective petitioners have filed applications before the first respondent / Commissioner, who, by the orders impugned, have negatived the claim and dismissed the applications. Challenging the same, the petitioners have filed the respective writ petitions.

3.The common case of the petitioners is that the Joint Commissioner, Dindigul, has expressed a positive opinion in favour of the other side during the course of the hearing and that therefore, they could not expect a fair proceedings.

4.Apart from the above, it is the further case of the petitioner in WP(MD)No.22349 of 2023 that the Counsel appeared on behalf of the Executive Officer of the Temple has not cross examined the witness produced by the private respondent and that the Counsel for the private respondent was allowed to mark certain irrelevant documents, despite the



petitioner's objections. Similarly, it is the further case of the petitioners in WP(MD)No.21999 of 2023 that the Joint Commissioner has not considered the earlier order passed by the Commissioner in A.P.No.14 of 1996, dated 21.10.2003.

5.Heard the learned Counsel appearing on either side.

6.The apprehension expressed by the petitioners are premature and as such, this Court is not inclined to entertain these applications. The cases have been assigned to the jurisdictional officer, who is yet to pass final orders. In the event, if the petitioners are not satisfied with the same, they are having appeal remedy under the Act.

7.The issues [4th day and 8th day Mandagapadi honours] are similar in nature and it would not be proper for two different Joint Commissioners to enquire into the similar issues for the same Temple. That apart, already, a direction was issued by this Court for early disposal of O.A.No.11 of 2021, in WP(MD)No.6147 of 2022, dated 05.04.2022.



WP(MD)Nos.21999, 22349 of 2023

WEB COPY

Accordingly, these writ petitions stand dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

Index : Yes / No **27.03.2024**
NCC : Yes / No
Internet : Yes
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To

- 1.The Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowments Board,
Santhome, Chennai.
- 2.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowments Board,
Dindigul.



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WP(MD)Nos.21999, 22349 of 2023

B.PUGALENDHI, J.

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WP(MD)Nos.21999, 22349 of 2023

27.03.2024