



W.P(MD)No.22751 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2024

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD)No.22751 of 2024

and

W.M.P(MD)Nos.19294& 19295 of 2024

S.Senthilkumar

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious & Charitable Endowments Department,
Nungambakkam High Road,
Chennai- 600 034.

2.The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Thoothukudi.

3.The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Thoothukudi.

4 P.Kasilingam

5.V.Dhanapal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorafied Mandamus, calling for the



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records relating to the order of the 2nd respondent dated 05.09.2024 made in I.A.No.2 of 2024 in O.A.No.20 of 2023 on the file of the Joint Commissioner of Hindu Religious and Charitable Endowment, Tuticorin, which was served to the petitioner on 12.09.2024 and quash the same and consequently forbearing the respondents in any manner from interfering the management of Arulmigu Puliyadi Devi Sri Mariamman Thirukoil, Sathankulam, Thoothukudi District.

For Petitioner : Mr.G.Prabhu Rajadurai
for Mr.J.Parekh Kumar

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader
for R1 to R3

: Mr.S.Anwar Sameem
for Mr.T.Antony Arulraj for R4 & R5

ORDER

The writ petition is filed challenging the impugned proceedings of the 2nd respondent dated 05.09.2024 made in I.A.No.2 of 2024 in O.A.No.20 of 2023, insofar as the observation made therein that the temple festival would be conducted by the Assistant Commissioner, HR&CE Department, Tuticorin, after taking the Assistance of the Assistant Commissioner of Police, Sathankulam for necessary police protection.



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2. Heard the learned counsel appearing on both side and perused the materials placed before this Court.

3. It is submitted by the learned counsel for the petitioner that challenge has been made to the present impugned order dated 05.09.2024 made in I.A.No. 2 of 2024 in O.A.No.20 of 2023 before the Commissioner of HR&CE Department, Chennai by way of filing revision under Section 21 of the Act. Since there was some difficulty in having the above revision numbered, they had approached this Court by way of filing this writ petition under Article 226 of the Constitution of India and at present, the festival is being conducted peacefully.

4. It is submitted by the learned Additional Government Pleader that since a revision under Section 21 of the HR&CE has been filed, this writ petition is not maintainable.

5. The learned counsel for the petitioner submitted that the O.A.No.20 of 2023 has been filed for a declaration that the petitioners are hereditary Trustees



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of the temple. It is also stated that the said OA.No.20 of 2023 is pending before the Joint Commissioner, HR &CE Department, Tuticorin.

6. The learned Additional Government Pleader would further submit that the festival has been going on for the last four days without any hindrance and with the cooperation of all the parties. It is further submitted that the OA would be disposed within a period of four weeks provided both the petitioner as well as the private respondents and other parties involved in the said OA co-operate without entertaining any adjournment.

7. Further, the learned Additional Government Pleader would submit that the revision filed under Section 21 of the HR&CE Act before the Commissioner, HE&CE Department, Chennai, against the IA would be heard by the Commissioner and orders would be passed within a period of three weeks from the date of receipt of a copy of this order, as agreed by the learned counsel for the petitioner.

8. Recording the above said submission made by the learned Additional Government Pleader, this Writ Petition is disposed of with the following directions:



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(1) The Joint Commissioner, HR&CE Department, Tuticorin shall dispose of the application in OA.No.20 of 2023 within a period of eight weeks subject to the cooperation and participation of the parties to the proceedings, without taking unnecessary adjournments.

(2) The revision filed before the Commissioner, HR&CE Department, Chennai, shall be numbered, if it is otherwise in order and will be heard by the Commissioner and order shall be passed within a period of three weeks from the date of receipt of a copy of this order.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

25.09.2024

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

To
1.The Commissioner,
Hindu Religious & Charitable Endowments Department,
Nungabakkam High Road,
Chennai-600 034.

2.The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Thoothukudi.



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MOHAMMED SHAFFIQ, J.

PJL

3.The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Thoothukudi.

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