



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.Nos.20680 & 20681 of 2010
and M.P.Nos.1, 2 & 3 of 2010 & 1 of 2012

All India Adi Saiva
Sivachariars Seva Sangam,
(Regn. No. 412/2006),
Rep. by its Secretary,
Registered Office,
38, Agalya Apartments,
55, Mambalam High Road,
T.Nagar, Chennai - 600 017.

...

Petitioner
[in both WPs]

versus

1.State of Tamil Nadu,
Rep. by the Secretary to Government,
Tamil Development, Religious Endowments
and Information Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.



3.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.

4.The Deputy Commissioner-cum-
Executive Officer,
Arulmigu Karpagambal Udanaya
Kapaleeswarar Thirukoil,
Mylapore, Chennai - 600 004.

5.The Board of Trustees,
Arulmigu Karpagambal Udanaya
Kapaleeswarar Thirukoil,
Mylapore, Chennai - 600 004.
Rep. by its Chairman.

6.Dr.Nalli N.Kuppusamy Chettiar,
Chairman, Board of Trustees,
Arulmigu Karpagambal Udanaya
Kapaleeswarar Thirukoil,
Mylapore, Chennai - 600 004.

7.Smt.Vijaya Thayanban,
Trustee,
Arulmigu Karpagambal Udanaya
Kapaleeswarar Thirukoil,
Mylapore, Chennai - 600 004.

8.Sri P.R.Thamizharasan,
Trustee, Arulmigu Karpagambal Udanaya
Kapaleeswarar Thirukoil,
Mylapore, Chennai - 600 004.



WEB COPY

9.Pozhichalur Sri Vaidyanatha Mudaliar,
Trustee,
Arulmigu Karpagambal Udanaya
Kapaleeswarar Thirukoil,
Mylapore, Chennai - 600 004.

10.Sri A.Krishnamurthy,
Trustee,
Arulmigu Karpagambal Udanaya
Kapaleeswarar Thirukoil,
Mylapore, Chennai - 600 004. ...

Respondents
[in both WPs]

11.B.Kalyanasundaram ...

Respondent
[in W.P.No.20681/2010]

[R-11 impleaded as per order dated 19.07.2012 in MP.1/2012 in W.P.No.20681/2010]

Prayer in W.P.No.20680/2010: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration, declaring that the Amendments to the Tamil Nadu Hindu Religious Institutions (Officers and Servants) Service Rules, 1964, as issued in G.O.(Ms.)No.255 Tamil Development, Religious Endowments and Information (RE4-2) dated 28.06.2010, in so far as it relates to prescribing qualifications, under Rule 5(C) and Annexure - III, for a person to be eligible for appointment to the posts of Senior Gurukkal, Archakar / Alankara Archakar, Poosari / Gurukkal and Assistant Archakar (both by direct recruitment and by promotion), as unconstitutional and is violative of Articles 25 and 26 of the Constitution of India and the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.



Prayer in W.P.No.20681/2010: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the respondents 4 and 5 comprised in their advertisement published in Dinamalar dated 11.08.2010 in respect of appointment of archakas in Arulmigu Karpagambal Udanaya Kapaleeswarar Thirukoil, Mylapore, Chennai-600 004 and quash the same as arbitrary, unconstitutional and violative of the established custom and usage of Arulmigu Karpagambal Udanaya Kapaleeswarar Thirukoil, Mylapore, Chennai-600 004 and consequently forbear the respondents, their officers, employees, servants, agents, committees or any other person(s) acting or claiming under the respondents from in any manner appointing any person(s) as archaka in Arulmigu Karpagambal Udanaya Kapaleeswarar Thirukoil, Mylapore, Chennai-600 004, contrary to the established custom and usage which would include the qualifications viz., that he should be an Adi Saiva hailing from either Kasyapa or Athreya Gothra and should have received all the 4 Deekshas viz., Samaya Dheeksha, Vishesha Dheeksha, Nirvana Dheeksha and Acharya Abhishekaha Dheeksha from an Acharya serving in Sri Kapaleeswarar Temple.

For Petitioner : M/s.Sameeksha Desikan
[in both WPs]
For Respondents : Mr.S.Ravichandran
[in both WPs] Additional Government Pleader - R1 to R5
for HR&CE
No Appearance – R6 to R10
For Respondent No.11 : Mr.V.Karthikeyan
[in W.P.No.20681/2011]



COMMON ORDER

WEB COPY

When these writ petitions are taken up for hearing, both the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 5 submitted that the issue in these writ petitions were only challenging the G.O.(Ms.)No.255 Tamil Development, Religious Endowments and Information (RE4-2) dated 28.06.2010 and already that Government Order has been withdrawn and further in the earlier writ petition in W.P.No.25995 of 2014, this Court by order dated 23.04.2018 had also recorded the fact that the Government Order has been withdrawn.

2. In view of the said subsequent developments, both the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 5 submitted that nothing survives for further adjudication in the above writ petitions.

3. Recording the same, these writ petitions are dismissed as infructuous. Consequently, connected Miscellaneous Petitions are closed.



WEB COPY

W.P.Nos.20680 & 20681 of 2024



4. There shall be no order as to costs.

09.01.2025

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri



To

- 1.The Secretary,
Government of Tamil Nadu,
Tamil Development, Religious Endowments
and Information Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
- 3.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
- 4.The Deputy Commissioner-cum-
Executive Officer,
Arulmigu Karpagambal Udanaya
Kapaleeswarar Thirukoil,
Mylapore, Chennai - 600 004.
- 5.The Board of Trustees,
Arulmigu Karpagambal Udanaya
Kapaleeswarar Thirukoil,
Mylapore, Chennai - 600 004.
Rep. by its Chairman.



WEB COPY

W.P.Nos.20680 & 20681 of 2010



G.ARUL MURUGAN, J.

sri

W.P.Nos.20680 & 20681 of 2010
and M.P.Nos.1, 2 & 3 of 2010 & 1 of 2012

09.01.2025