



W.P.(MD) No.1105 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.1105 of 2025

and

W.M.P.(MD) No.744 of 2025

C.Mariya Soosai Robert

.. Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Thoothukudi Zonal Office,
Thoothukudi District.

2.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Thiru Courtralanatha Swamy Temple,
Courtralam, Tenkasi District.

3.The Executive Officer,
Hindu Religious and Charitable
Endowment Department,
Thiru Courtralanatha Swamy Temple,
Courtralam, Tenkasi District.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records pertaining to the impugned petition in M.P.No. 495 of 2024 passed by the respondents and quash.

For Petitioner	:	Mr.S.Manojkumar
For RR1 & 2	:	Mr.P.Subbaraj Special Government Pleader
For R3	:	Mr.S.Manohar

ORDER

The case of the petitioner is that the first respondent cannot proceed based upon a petition filed by the second and third respondents under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as “the Act”).

2. The primordial contention raised by the learned counsel for the petitioner is that this Court, by its order dated 25.09.2024 in W.P.(MD) No.22926 of 2024 in a writ petition challenging a similar proceedings, had issued directions permitting the petitioner to make a request for the



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details of rent and that if such request is made, the same should also be answered by the third respondent within a period of two weeks and on receipt of the same, the petitioner shall submit a response within a period of one week therefrom and on receipt of such response, the third respondent was granted liberty to pass appropriate orders in accordance with law. A further liberty was also given to the third respondent to invoke Sections 78 and 79 of the Act in compliance with the procedure contemplated thereunder. For better appreciation, the relevant paragraph is extracted hereunder:

“6.In view thereof, this Writ Petition stands disposed of on the following terms:

(i) It is open to the petitioner to make a request before the respondent give details for the period, the present demand is made;

(ii) If any such request is made, the respondent shall provide the details within a period of two weeks therefrom;

(iii) On receipt of the same, the petitioner shall submit his response within a period of one week



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therefrom;

(iv) On receipt of any such response, the respondents shall proceed to pass orders in accordance with law; and

(v) It is open to the respondents to invoke Section 78 and 79 of the Act in compliance with the procedure contemplated thereunder.”

3. The said directions had also been admittedly issued on the basis of the claim of rent due from the petitioner to the third respondent-temple. In such view, the said direction cannot be read to be a direction that only after the resolution on dispute with regard to the rent payable by the petitioner, the third respondent can proceed under Section 78 of the Act. The liberty given to the third respondent to invoke Sections 78 and 79 of the Act is independent of the proceedings for determining the rent payable by the petitioner.

4. In such view of the matter, I am not inclined to entertain the writ petition and the Writ Petition stands dismissed. However, there shall be



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no order as to costs. Consequently, connected miscellaneous petition is closed.

10.01.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

- 1.The Joint Commissioner,
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Endowment Department,
Thoothukudi Zonal Office,
Thoothukudi District.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
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K.KUMARESH BABU, J.

abr

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