



W.P.(MD).No.2583 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.2583 of 2025

and

W.M.P.(MD)Nos.1827 and 1828 of 2025

Ayyappan

...Petitioner

Vs

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Secretariat, St.George,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Sivagangai,
Sivagangai District.
- 3.The Executive Officer,
Arulmighu Sri Koothadi Muthuperiya Nayaki Ammal Koil
Thalaiyoor,
Devakottai Taluk,
Sivagangai District.
4. Malayandi,
Trustee
Arulmighu Sri Koothadi Muthuperiyanayaki Amman Koil,
Devakottai Taluk,
Sivagangai District.

5. Durairaj

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings issued by the second respondent vide Na.Ka.No. 5014/2024/A2 dated 21.01.2025 and quash the same as illegal and unconstitutional and consequently direct the first respondent only to decide the merits of the representation dated 06.01.2025 sent by the fifth respondent.

For Petitioner : Mr.A.Shajahan

For R-1 and R-2 : Mr.P.Subbaraj
Special Government Pleader

ORDER

Heard Mr.A.Shajahan, learned counsel for the petitioner and Mr.P.Subbaraj, learned Special Government Pleader for the respondents 1 and 2.

2. This Writ Petition is filed challenging the order of the second respondent dated 21.01.2025 and consequently direct the first respondent only to decide the merits of the representation dated 06.01.2025 sent by the fifth respondent.



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3. The petitioner had challenged the notice issued by the second respondent, which was issued pursuant to a request made by the villagers to modify the timing of the festival from 12:00 noon to 1:00 p.m.

4. It is admitted that the function is to be performed between 22.02.2025 and 24.02.2025. The petitioner contends that the Joint Commissioner has become functus officio and therefore, cannot pass any order. However, a reading of Section 63 of the HR and CE Act reveals that even if an order is passed by the Joint Commissioner recording a particular customary usage in the temple, the Joint Commissioner can subsequently modify or alter the order.

5. In such an event, the contention raised by the petitioner that the Joint Commissioner has become functus officio cannot be countenanced. Hence, the petitioner shall appear before the Joint Commissioner of the HR and CE Department and make a representation as to why the timing should not be changed. The Joint Commissioner of the HR and CE Department shall pass appropriate orders only after hearing the petitioner, 5th respondent and also other interested persons, if any.



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6. With the above direction, this Writ Petition is disposed of.

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

29.01.2025

NCC:yes/no

Index:yes/no

Internet:yes/no

Nsr

Note: Issue Order Copy on 30.01.2025.

To:

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Secretariat, St.George,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Sivagangai,
Sivagangai District.
- 3.The Executive Officer,
Arulmighu Sri Koothadi Muthuperiya Nayaki Ammal Koil
Thalaiyoor,
Devakottai Taluk,
Sivagangai District.
4. Malayandi Trustee
Arulmighu Sri Koothadi Muthuperiyanayaki Amman Koil,
Devakottai Taluk,
Sivagangai District.



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K.KUMARESH BABU, J.

Nsr

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29.01.2025