

W.P.(MD)No.3636 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2025

CORAM

THE HONOURABLE MR.JUSTICE **VIVEK KUMAR SINGH**

W.P.(MD)No.3636 of 2025

and

W.M.P. (MD) Nos.2574 and 2575 of 2025

C.K.Hariraman

... Petitioner

-VS-

- 1.The Commissioner,
Hindu Religious & Charitable Endowment Department,
Nungambakkam High Road, Chennai.
- 2.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Joint Commissioner Office, Dindigul.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Dindigul.
- 4.G.S.S.Manimuthu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 3rd Respondent in Se.Mu.Na.Ka.No.771/2023-6/A2 dated 29.01.2024 and quash the same as illegal and arbitrary and consequently, to direct the 3rd Respondent to appoint the Administrators in Three community



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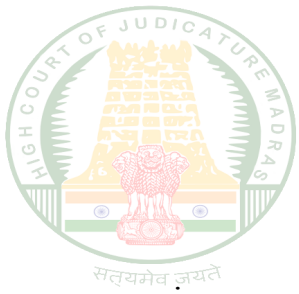
Vaikaiyaras of the Arulmigu Desiga Eswarar Thirukovil Patchallur Village,
Kodaikanal Taluk, Dindigul District.

For Petitioner : Mr.M.Beema Rao
For R1 to R3 : Mr.P.Subbaraj
Special Government Pleader

ORDER

This Writ Petition has been filed seeking to quash the impugned order passed by the 3rd Respondent in Se.Mu.Na.Ka.No.771/2023-6/A2 dated 29.01.2024 and consequently, to direct the 3rd Respondent to appoint the Administrators in three community Vakaiyaras of Arulmigu Desiga Eswarar Thirukovil, Patchallur Village, Kodaikanal Taluk, Dindigul District.

2.The petitioner submits that he is one of the former administrators of Arulmigu Desiga Eswarar @ Tharisana Lingeswar Thirukovil situated at Patchallur Village, Kodaikanal Taluk, Dindigul District. The said Temple was constructed in the year 1996 by three Community Vakaiyaras viz., Appuchi Vakaiyara of Mannadiyar Community, Manthiriyar Vakaiyara of Pillaimar Community and Settumai Vakaiyar of Chettiyar Community and they are maintaining the Temple. In the meantime, the third respondent has passed the



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impugned order dated 29.01.2024, appointing the fourth respondent as a non-hereditary trustee and the fourth respondent did not belong to any of the aforesaid three community Vakaiyarars and no public declaration or public notification was issued with regard to the appointment of the fourth respondent.

3.In the meantime, all the three community Vakaiyaras' representatives, including the petitioner, have filed an Original Application in O.A.No.22 of 2024 before the Joint Commissioner, Dindigul under Section 64(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, to settle a scheme of administration for the above said temple. However, the said application remains pending without any progress. Hence, the petitioner seeks to quash the impugned order and to dispose of the Original Application, as expeditiously as possible.

4.The learned Special Government Pleader appearing for respondents 1 to 3 submits that the second respondent will pass appropriate orders in O.A.No.22 of 2024 on merits and in accordance with law, within a time frame to be fixed by this Court.



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5. Heard both sides.

6. In view of the order proposed to be passed, this Court is not inclined to express any opinion on the impugned order, since in connection with the impugned order, the petitioner and other similarly placed persons have already filed an application in O.A.No.22 of 2022 before the second respondent.

7. In view of the submission made by the learned Special Government Pleader, without going into the merits of the case, there shall be a direction to the second respondent to consider the petitioner's Original Application in O.A.No.22 of 2024, on its own merits and pass appropriate orders in accordance with law, after affording adequate opportunity to the petitioner and any other parties concerned, within a period of six months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the second respondent to consider the same on its own merits.



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8. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Writ Miscellaneous Petitions are closed.

NCC : Yes / No

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Index : Yes / No

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To:-

1. The Commissioner,
Hindu Religious & Charitable Endowment Department,
Nungambakkam High Road,
Chennai.
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Joint Commissioner Office,
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VIVEK KUMAR SINGH, J.

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