

W.A.(MD)No.743 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24.03.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J. NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)No.743 of 2025 &
C.M.P.(MD)No.5105 of 2025**

P.A.M.Sundaravel

... Appellant

Vs.

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

2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai - 600 034.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Tirunelveli - 2.

4.P.K.S.A.A. Brahmaraj

5.V.N.M.S.A. Soundara Pandiyan

6.A.Selvarajan

7.A.Pitchai Kani



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8.K.S.S.P.A.Ravindran

9.D.Jeya Seelan

10.The Secretary to Government,
Tourism, Culture and Religious Endowment Department,
Fort St.George,
Chennai - 600 009.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.477 of 2024, dated 20.01.2025.

For Appellant :Mr.I.Suthakaran

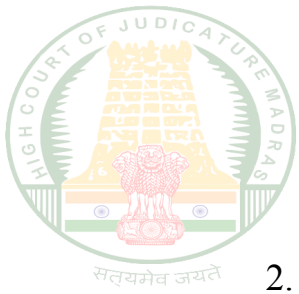
For Respondents :Mr.J.Ashok,
Additional Government Pleader
for R1 to R3

Mr.J.Barathan for R6

JUDGMENT

(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

The present writ appeal is filed against the interim order dated 20.01.2025 passed in W.P.(MD)No.477 of 2024.



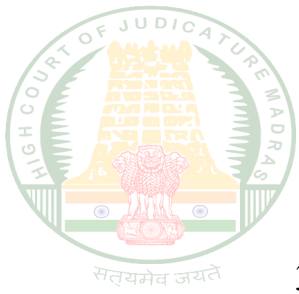
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2. The prayer in W.P.(MD)No.477 of 2024 is for Writ of Certiorari to quash the order dated 19.01.2011 in O.A.No.3 of 2003 passed by the Joint Commissioner of HR & CE, then the order dated 08.02.2012 passed in R.C.No. 18409 of 2011 by the Commissioner HR & CE, G.O.Rt.No.402 dated 28.11.2012 passed by Secretary to Government, Tamil Development and Religious Endowment Department and G.O.Ms.No.126 dated 12.11.2014 passed by the Secretary to Government, Tourism Culture and Religious Endowment Department. The said writ petition was heard along with W.P.(MD)No.30044 of 2024 and W.P.(MD)No.28002 of 2024. The writ court after hearing the submissions on 20.01.2025, has passed the following order.

"Post the matter after four weeks for the Department to file counter. In the meantime, the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Tirunelveli, shall take appropriate steps to conclude the proceedings in O.A.No.3 of 2003.

2. It is seen that a scheme was framed for the temple two decades ago and still the temple is not managed by the scheme. In such circumstances, if the scheme could not be given effect to as required under law, the Joint Commissioner shall appoint a Fit Person to the temple."



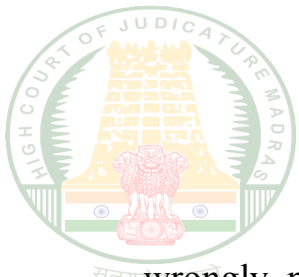
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3. In the order impugned in the writ appeal, the writ court has only stated, the Joint Commissioner shall take appropriate steps to conclude the proceedings. Further the writ court held, scheme was framed two decades ago and still the temple is not managed by the scheme. In such circumstances, fit person was appointed through the order, hence the Fit Person shall manage the temple.

4. The contention of the appellant is that the W.P.(MD)No.477 of 2024 was filed questioning the jurisdiction of the HR&CE, since the temple is a private temple. If it is so, then the appellant ought to have filed suit and obtained decree, as on date there is no such decree. At least the appellant ought to have filed a petition before the HR&CE authorities to prove the temple is private and no such finding as on date. Therefore, the said contention cannot be accepted. However, this observation will not affect the rights of the appellants or the persons concerned to file appropriate application with a prayer to declare the temple is private temple.

5. The next contention of the appellant is that the Writ Court has come to the conclusion, the scheme was framed for the temple two decades ago and had



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wrongly proceeded as if the scheme could not be implemented, but the fact remains the scheme is only draft scheme. This Court is of the considered opinion the present appeal is against the interim order passed in the writ petition. The appellant is always entitled to prove that the same is only draft or final before the Writ Court.

6. Further if the appellant or the other persons are aggrieved over the appointment of fit person through the interim order, then the appellant and other persons are entitled to file petition to vacate the interim direction. The appellant is not remediless. Any intra court appeal against interim order is not maintainable. Only in extraordinary circumstances, such appeal, would be entertained. There is no such extraordinary circumstance in the present case. Therefore, this Court is not inclined to entertain the writ appeal.

7. For the reasons stated supra, the writ appeal is dismissed. If at all, the appellant is aggrieved by the interim order, he is at liberty to file vacate stay petition and contest the case. No costs. Consequently, connected Miscellaneous Petition is closed.

[J.N.B., J.]

[S.S.Y., J.]



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Index : Yes / No
NCC : Yes / No
Speaking / Non-speaking order

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