



W.P.(MD)No.7995 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.7995 of 2025

and

WMP (MD) Nos.6024, 6026 & 6028 of 2025

RK.Jeyakumar

: Petitioner

Vs.

1. The Commissioner,
HR & CE Department,
Chennai - 600034.

2. The Joint Commissioner,
HR & CE Department,
Thoothukudi,
Thoothukudi District.

3. The Assistant Commisioner,
HR & CE Department,
Thoothukudi,
Thoothukudi District.

4. The Executive Officer,
HR & CE Department,
Arulmigu Mutharamman Temple,
Kulasekaranpattinam,
I/c Fit Person,
Arulmighu Muthaaramman Thirukovil,
Nadukkalangudyiruppu.

: Respondents



W.P.(MD)No.7995 of 2025

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the 3rd respondent dated 09.06.2018 vide Na.Ka.No.2877/2018/A1 and the consequential proceedings of the 4th respondent dated 22.10.2024 and quash the same and consequently forbear the respondents from interfering with the peaceful administration of Arulmighu Muthaaramman Temple, Nadukkalangudyiruppu Village by our Village Administrative committee in any mannaer.

For Petitioner : Mr.N.Dilipkumar

For Respondents : Mr.K.S.Selvaganesan

Addl. Government Pleader

ORDER

This writ petition has been filed challenging the proceedings of the third respondent dated 09.06.2018 followed by the issuance of the consequential proceedings of the fourth respondent dated 22.10.2024 directing the petitioner's Committee to hand over the administration of Arulmighu Muthaaramman Temple to the fourth respondent.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



W.P.(MD)No.7995 of 2025

WEB COPY

3. The petitioner's case is that the third respondent intends to appoint the fourth respondent as a "Fit Person/Thakkar" to administer the petitioner's community temple. Furthermore, the fourth respondent, through his impugned proceedings dated 22.10.2024, seeks to bring the temple under the control of the HR & CE Department. Challenging the same, the petitioner has filed the present writ petition.

4. In response, the learned Additional Government Pleader, appearing on behalf of the respondents, submitted that the Fit Person has been appointed and took charge on 28.10.2024. He further submitted that the petitioner has an adequate and effective alternate remedy under Section 21 of the TN HR & CE Act. The learned Additional Government Pleader also stated that any person aggrieved by the proceedings has the right to file an appeal before the appellate authority.

5. Heard the learned counsel for the parties and perused the materials available on record.

6. Upon considering the submissions made by both parties, it is observed that the petitioner has an effective alternative remedy



W.P.(MD)No.7995 of 2025

WEB COPY

available under Section 21 of the HR & CE Act, which provides for an appeal against the impugned proceedings dated 09.06.2018 and 22.10.2024, before the appellate authority. It is a settled principle of law that when an alternate remedy is provided by statute, a party must exhaust such remedy before seeking judicial intervention through a writ petition.

7. Accordingly, the Writ Petition stands disposed of, granting liberty to the petitioner to approach the appellate authority within a period of two weeks from the date of receipt of a copy of this order. In case, any such appeal is filed by the petitioner within a period of two weeks from today, the appellate authority shall entertain the appeal and pass appropriate orders on its own merits and in accordance with law within two months thereafter, without reference to the period of limitation. Till such time, the *status quo* shall be maintained between the parties. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

24.03.2025

Index : Yes / No

Internet : Yes / No

PKN



W.P.(MD)No.7995 of 2025

To

WEB COPY

1. The Commissioner,
HR & CE Department,
Chennai - 600034.
2. The Joint Commissioner,
HR & CE Department,
Thoothukudi,
Thoothukudi District.
3. The Assistant Commissioner,
HR & CE Department,
Thoothukudi,
Thoothukudi District.
4. The Executive Officer,
HR & CE Department,
Arulmigu Mutharamman Temple,
Kulasekaranpattinam,
I/c Fit Person,
Arulmighu Muthaaramman Thirukovil,
Nadukkalangudyiruppu.



WEB COPY



W.P.(MD)No.7995 of 2025

VIVEK KUMAR SINGH, J.

PKN

W.P.(MD) No.7995 of 2025

24.03.2025