

W.A(MD) No.2245 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 08.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A(MD) No.2245 of 2025
and
C.M.P.(MD)No.12751 of 2025

Arulmigu Sri Nindranarayana Perumal
Koil Thathiyarathanai Trust (Bakthasabha),
Thiruthangal (Registered Trust)
represented through its Secretary. ... Appellant / Writ Petitioner

Vs.

The Executive Officer,
Arulmighu Nindranarayana Perumal
Thirukoil, Thiruthangal. ... Respondent / Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying
this Court to allow the writ appeal by setting aside the order in W.P.
(MD)No.633 of 2020, dated 14.02.2024.

For Appellant : Mr.A.Sivaji

For Respondent : Mr.P.Mahendiran



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JUDGMENT

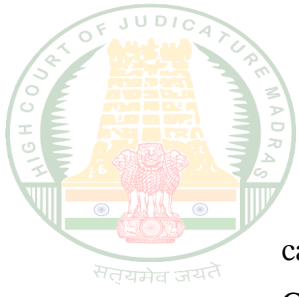
(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The appellant herein challenged the communication dated 13.12.2019 issued by the Executive Officer of the petition mentioned temple calling upon the appellant to vacate from the petition mentioned premises and hand over the same to the temple management. The Executive Officer also informed the appellant that in the event of failure on the part of the appellant to comply with the said demand, action will be taken under Section 78 of the Tamil Nadu HR & CE Act. As rightly observed by the learned single Judge, the communication impugned in the writ petition is not an order at all in the real sense of the term.

Paragraph No.16 of the order reads as follows:-

“16.In view of the foregoing discussions and reasonings, this Court is disposing of this writ petition with the following directions:- - The respondent is at liberty to take action by invoking the provision under Section 78 of the Hindu Religious and Charitable Endowments Act for restoring the Temple property. - The petitioner is having every right to defend the



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case, by producing relevant materials, if any, before the Joint Commissioner.”

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3. What has been set out in Paragraph No.16 cannot be said to have caused any kind of prejudice to the appellant. In this view of the matter, the writ appeal itself is not maintainable. The Writ Appeal is dismissed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
08.08.2025

Index : Yes / No
Internet : Yes / No
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