



W.A.(MD)No.906 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.04.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

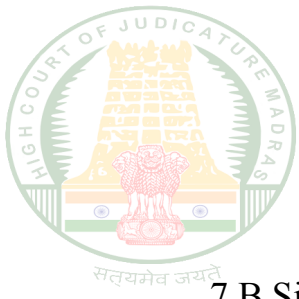
**W.A.(MD)No.906 of 2022
and
C.M.P.(MD)No.7570 of 2022**

C.Rajamani Gurukal

... Appellant

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam High Road, Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Ramnad District.
- 3.The Trustee,
Arulmighu Mangalanathaswamy Temple,
Thiru Uthiragosamangai,
Ramnad District.
- 4.Sri Bageeratha Gurukal (Died)
- 5.B.Mangaleswara Gurukkal @ Raju
- 6.B.Bala Subramaniya Gurukkal @ Viji



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7.B.Siva Subramaniya Gurukkal @ Mathan
(R5 to 7 / legal heirs of the deceased 4th
respondent are impleaded vide order dated
28.02.2025 in C.M.P.(MD)No.12456 of 2022
in W.A.(MD)No.906 of 2022)

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order dated 29.06.2022 passed in W.P.(MD).No.17951 of 2017 on the file of this Court.

For Appellant : Mr.Velayutham Pichaiya

For Respondents : Mr.K.S.Selvaganesan,
Addl. Government Pleader for R1 & R2.
Mr.S.Ramesh for R3.
Mr.H.Laxmi Shankar for R5 to R7.

JUDGMENT

Heard both sides.

2.Vide proceedings dated 16.04.2012, the trustee of Arulmighu Mangalanathaswamy Temple, Thiru Uthiragosamangai, Ramanathapuram District permitted Devendra Gurukal and Bageeratha Gurukal to perform pooja from the mid-day (uchikalam) on 18th of every English month and on 19th and 20th. This was objected by Rajamani Gurukal and



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Mangaleswara Gurukal. As a result, the proceedings dated 16.04.2012 was rescinded on 07.05.2012. When Bageeratha Gurukal raised objections, the proceeding dated 16.04.2012 was restored on 06.08.2012. Challenging the proceedings dated 06.08.2012, Mangaleswara Gurukal filed O.S.No.102 of 2022 before the District Munsif Court, Ramanathapuram. The suit was dismissed on 07.07.2017. He filed A.S.No.34 of 2017 on the file of the Sub Court, Ramanathapuram. It was also dismissed on 21.06.2019. The civil Courts held that suit proceedings could not have been initiated and that Mangaleswara Gurukal ought to have availed appeal remedy under the statute (Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959). After dismissal of the suit, Soma Kurugal, Chandrasekara Gurukal and Mangaleswara Gurukal filed A.P.No.1 of 2017 before the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Sivagangai. The appeal is still pending. Interim stay was granted in the said appeal. In the meanwhile, the hereditary trustee of the temple issue proceedings dated 10.08.2017 carving out the share of Bageeratha Gurukal alone. Bageeratha Gurukal was allowed to perform pooja for 1/4th day starting from night of 19th of every English month.



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Challenging the same, Rajamani Gurukal filed W.P.(MD)No.17951 of 2017. The learned Single Judge vide order dated 29.06.2022 dismissed the writ petition. Questioning the same, this writ appeal has been filed.

3.The learned counsel for the appellant raised very many contentions. He pointed out that the share of Sri Bageeratha Gurukal was already sold way back in the year 1967 through a registered sale deed dated 22.02.1967.

4.We are of the view that the proceeding impugned in W.P.(MD)No.17951 of 2017 is only a continuation of the earlier proceeding dated 16.04.2012. Therefore, the proceeding impugned in the writ petition ought to be considered as rather consequential in nature. Since against the primary proceeding, an appeal had already been filed before the appellate authority, it would only be just and proper that Rajamani Gurukal also joins the fray before the appellate authority.

5.The learned counsel for the appellant submits that since adverse findings have been given in the writ petition, even if they were to avail



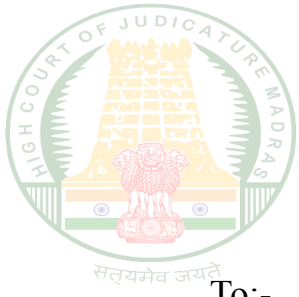
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the appeal remedy, it would be rather infructuous in nature. We find force in this contention. We, therefore vacate all the adverse findings rendered by the learned Single Judge in his order dated 29.06.2022. In other words, the appeal before the appellate authority will be conducted on a clean slate. We grant liberty to the appellant to get himself impleaded in A.P.No.1 of 2017. We direct the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Sivagangai to dispose of A.P.No.1 of 2017 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.

6. With the aforesaid liberty to the appellant and with the aforesaid observations, this writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (M.J.R. J.)
01.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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