



W.P.(MD) No.21908 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.21908 of 2023
and
W.M.P.(MD) Nos.18280 and 23654 of 2025**

S.R.Ananth

... Petitioner

/vs./

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai.
 - 2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Virudhunagar.
 - 3.The Inspector of Hindu Religious and Charitable Endowments Department,
Srivilliputhur,
Virudhunagar District.
 - 4.The Executive Officer,
Arulmighu Natchiyar (Andal) Thirukovil,
Virudhunagar District.
- ... Respondents**



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the 1st respondent dated 28.06.2023 in Se.Mu.Na.Ka.No.12487/2022/E2 and to quash the same as illegal and consequently direct the 1st respondent to complete the proceedings under Section 78 of the Tamil Nadu Hindu Religious Charitable and Endowments Act in respect of the petitioners temple property in survey No.325/2 in Srivilliputhur Town for an extent of 23,803 Sq.ft of land and buildings.

For Petitioner : Mr.VR.Shanmuganathan for
Mr.K.Muthurakkan

For R1 to R3 : Mr.P.Subbaraj
Special Government Pleader

For R4 : Mr.M.Kannan

ORDER

The writ petition has been filed challenging the order passed by the first respondent dated 28.06.2023 in Se.Mu.Na.Ka.No.12487/2022/E2 and for the consequential direction to the first respondent to complete the proceedings under Section 78 of the Tamil Nadu Hindu Religious Charitable and Endowments Act, 1959 in respect of the petitioner's temple property in S.No.325/2 in Srivilliputhur Town, measuring an extent of 23,803 Sq.ft of land and buildings.



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2. The primordial contention of the learned counsel appearing on behalf of the petitioner is that the order appointing a Fit Person had been made without jurisdiction as also in violation of principles of natural justice.

3. A reading of the order impugned herein would indicate that the first respondent had made reference to the order passed by this Court in W.P.(MD) No. 23358 of 2022 dated 27.10.2022, the statements of one Perumal and Gopalraja and the earlier proceedings dated 28.03.2023 of the first respondent. The impugned proceedings also indicate certain infirmities/irregularities in the functioning of the administrative trustees of the temple. No notice had been issued by the first respondent before the impugned proceedings to the administrative trustees, but however had marked a copy to the administrative trustees, who is represented by the petitioner herein.

4. In such event, without entering upon the merits raised by the learned counsel for the petitioner, this Court finds that the order had been made in violation of principles of natural justice and therefore the order impugned herein is liable to be set aside and is accordingly set aside.



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5. At this juncture, the learned counsel for the petitioner would submit that the petitioner had also made an application before the first respondent under Section 64 of the HR & CE Act, 1959 for framing a Scheme and prayed the same could also be disposed of by the first respondent while dealing with the procedure for appointment of the Fit Person.

6. In fine, the Writ Petition stands allowed and the matter is remitted back to the first respondent to pass orders afresh on merits and in accordance with law after hearing the petitioner and any other persons interested in the affairs of the temple. The first respondent shall also take up the application filed by the petitioner for framing a Scheme for the Arulmighu Sowdambigai Amman Temple, Arachipatti Street, Srivilliputhur, Virudhunagar District and decide the same within a period of six months from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes / No
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K.KUMARESH BABU, J.

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