



W.P.(MD)No.27990 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.27990 of 2024

and

WMP (MD) Nos.23748, 23749 & 23751 of 2024

Kumar @ Kandasamy

: Petitioner

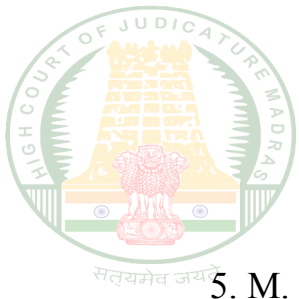
Vs.

1. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Chennai.

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Thanjavur.

3. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Thanjavur.

4. The Inspector,
Hindu Religious and Charitable
Endowments Department,
Thirukaattupalli,
Thanjavur District.



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5. M. Sivakumar
(R5/impleaded vide order dated 11.12.2024
in WMP (MD) No.24531 of 2024)

6.S.Swaminathan

7.S.Veeriah

(R6 and R7 impleaded vide order dated 04.04.2024
in WMP (MD) No.5974 of 2025)

: Respondents

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 dated 25.10.2024 of the 1st respondent in Ni.Mu.No. 960290/2024/E3 and consequential undated notice of the 4th respondent and quash the same and consequently direct the respondents to not to interfere in the administration of the said temple.

For Petitioner : Mr.V.R.Shanmuganathan

For Respondents : Mr.K.S.Selvaganesan

Addl. Government Pleader R1 to R4

ORDER

Challenging the proceedings of the first respondent, as well as the subsequent proceedings of the fourth respondent, the present writ petition has been filed by the petitioner.

2. It is the case of the petitioner that, based on a complaint filed by one M.Sivakumar, the petitioner was informed to appear before



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the third respondent on 17.10.2024. The petitioner appeared before the third respondent and provided a detailed explanation. However, by virtue of the proceedings of the first respondent dated 25.10.2024, an undated notice was pasted at the temple by the fourth respondent, stating that the control of the temple administration had been taken over by the HR & CE Department. Challenging the said proceedings, the petitioner has come forward before this Court by filing this writ petition.

3. In response, the learned Additional Government Pleader, appearing on behalf of the respondents, 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 further submitted that any person aggrieved by the proceedings has the right to file an appeal before the appellate authority.

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

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



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available under Section 21 of the HR & CE Act, which provides for an appeal against the impugned proceedings dated 25.10.2024 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.

6. 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. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

04.04.2025

Index : Yes / No
Internet : Yes / No

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To

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1. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Chennai - 34.

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Ellis Nagar,
Madurai - 625 010.

3. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Virudhunagar.



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VIVEK KUMAR SINGH, J.

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