



W.P(MD)No.11389 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Thirteenth day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice MOHAMMED SHAFFIQ

W.P(MD)No.11389 of 2024
and
W.M.P(MD)No.10119 of 2024

PRABHAKARAN. M

... PETITIONER

Vs

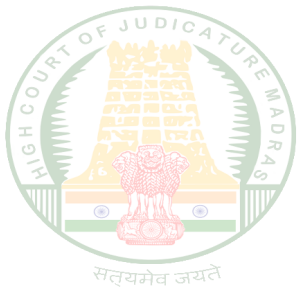
1 THE JOINT COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS
DEPARTMENT,
DINDIGUL.

2 THE TAHSILDAR
UTHAMAPALAYAM TALUK,
THENI DISTRICT.

3 THE EXECUTIVE OFFICER
ARULMIGU SUYAMBU SANEESWARAR THIRUKOIL,
KUCHANOOR,
THENI DISTRICT.

4 THE FIT PERSON
ARULMIGU SUYAMBU SANEESWARAR THIRUKOIL,
KUCHANOOR,
THENI DISTRICT.

5 THE SUPERINTENDENT OF POLICE
THENI DISTRICT, THENI.



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6 THE INSPECTOR OF POLICE
CHINNAMANUR POLICE STATION,
THENI DISTRICT.

... RESPONDENTS

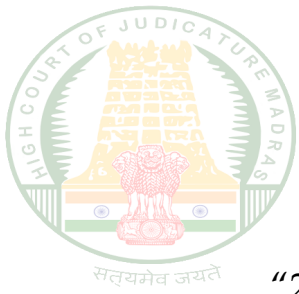
Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing respondents 3 and 4 from carrying out any activities such as construction, demolition and conducting tenders and any appointment etc. at Sri Suyambu Saneeswarar Bahavan Temple, Kuchanoor and its activities, detrimental to the interest of the temple till the order of this Honble Court dated 02.11.2023 made in WP (MD) No.20349 of 2023 is implemented and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in WMP(MD). 10119/ 2024 :

To grant an order of Interim Injunction, restraining the respondents 3 and 4 from acting as Executive Officer and Fit Person of Sri Suyambu Saneeswarar Bahavan Temple, Kuchanoor pending disposal of writ petition and thus render justice.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.J.ANANDKUMAR, Advocate for the petitioner and of MR.K.S.SELVAGANESAN, Additional Government Pleader on behalf of the Respondents 1 & 2 and MR.V.CHANDRASEKAR, Advocate for the 3rd Respondent and MR.VAIKKAM KARUNANITHI, Government Advocate for the Respondents 5 & 6 the court made the following order:-

It is submitted by the learned counsel for the petitioner that this is a second round of litigation. In the earlier round of litigation, this Court had found that the Executive Officer and Fit Person have been in the management for more than 20 years and thus, they were directed to hand over the charge to the Board of Trustees. The relevant portion reads as under:



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“25. Therefore, from the judgments cited supra it would be evident that the Executive Officer and Fit Person cannot be beyond the period of five years at time. In the present case the Executive Officer and Fit Person are in the management for more than 20 years and hence, they cannot be allowed to continue. Hence, the respondents ought to hand over the charge to the Board of Trustees. Hence, the first petitioner along with the other trustees is entitled to get the management. Even though only one trustee is before this Court, this Court is directing the respondents to hand over the charge to the Board of Trustees with a period of four weeks from the date of receipt of the copy of the order. As far as the claim of the 2nd respondent is concerned, he is entitled to be considered after the disposal of the stay application or after disposal of the writ appeal pending in W.A(MD) No.1509 of 2023.”

2. It is submitted that despite the above direction, Fit Person continues to be in the Management and he has not handed over the charge to the Board of Trustees. The learned counsel for the petitioner would also submit that extensive work is being carried on in the form of reconstruction, demolition and restoration etc., without complying with the direction of this Court.



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3. The learned Government Advocate appearing for the respondents 5 and 6 would submit that writ appeal has been preferred and the matter is likely to be heard shortly.

4. Considering the same, this Court is of the view that status quo shall be maintained, until the writ appeal is heard.

5. Post the matter after two weeks.

sd/-
13/08/2024

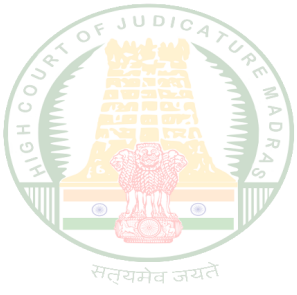
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/08/2024
Sub-Assistant Registrar (CS-I/ II/ III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO
1 THE JOINT COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS
DEPARTMENT,
DINDIGUL.

2 THE TAHSILDAR
UTHAMAPALAYAM TALUK,
THENI DISTRICT.



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3 THE EXECUTIVE OFFICER
ARULMIGU SUYAMBU SANEESWARAR THIRUKOIL,
KUCHANOOR,
THENI DISTRICT.

4 THE FIT PERSON
ARULMIGU SUYAMBU SANEESWARAR THIRUKOIL,
KUCHANOOR,
THENI DISTRICT.

5 THE SUPERINTENDENT OF POLICE
THENI DISTRICT, THENI.

6 THE INSPECTOR OF POLICE
CHINNAMANUR POLICE STATION,
THENI DISTRICT.

7 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.CHANDRASEKAR, Advocate (SR-9912[I] dated 14/08/2024)

ORDER
IN

W.P(MD)No.11389 of 2024

and

W.M.P(MD)No.10119 of 2024

Date :13/08/2024

RK/GS (20/08/2024) 5P / 9C

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