

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Order reserved on : 02.12.2025

Order pronounced on : 09.01.2026

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THE HONOURABLE MR JUSTICE P.B. BALAJIW.P.Nos.36565 & 14190 of 2024& WMP.Nos. 39423, 43141,15383 to 15385 of 2024 & 48226 of 2025W.P.No.36565 of 2024:

1.K.Shanmugavel Mudaliar
 2.S.Kaaviya Laxmy
 3.S.Kumarasamy

... Petitioners

Vs.

1.The Commissioner,
 HR & CE, (A) Administration Department,
 Nungambakkam, Chennai – 600 034.

2.The Joint Commissioner,
 HR & CE, Administration Department,
 Kanchipuram,
 Kanchipuram District – 631 501.

3.The Executive Officer/Fit Person,
 A/M.Ranganatha Perumal Temple,
 Thiruneermalai, Chennai – 600 044.



WEB CO^W 4. The Executive Officer,
A/M, Agastheeswarar Temple,
Having office at A/M, Thirusulanathan Swami Temple,
Thirusulam, Chennai – 600 043.

5. The Inspector of Police,
S6, Sankar Nagar,
Pammal, Chennai – 600 075. ... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Declaration, declaring that the order of the 2nd respondent dated 28.05.2024 in Na.Ka.No.544/2024/A1 and all the connected proceedings as null and void and the continuance of the 4th respondent as Executive Officer and the 3rd respondent as Fit Person in the petitioners' Temple as being illegal and violative of the judgment of the Hon'ble Apex Court reported in 2014 (1) CTC 763 and also the terms and conditions for appointment of Executive Officers Rules 2015 also violated and consequently direct the respondents 1 to 4 to hand over the administration of the temples to the petitioners being the Hereditary Trustees and to remove all seal and locks.

For Petitioners : Mr.T.Saikrishnan

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader for RR1 to 4
Mr.M.Murali
Government Advocate for R5

W.P.No.14190 of 2024:



WEB COPY
1.K.Shanmugavel Mudaliar
2.S.Kaaviya Laxmy
3.S.Kumarasamy

... Petitioners

Vs.

1.The Commissioner,
HR & CE, (A) Administration Department,
Nungambakkam, Chennai – 600 034.

2.The Joint Commissioner,
HR & CE, Administration Department,
Kanchipuram,
Kanchipuram District – 631 501.

3.The Executive Officer/Fit Person,
A/M.Ranganatha Perumal Temple,
Thiruneermalai, Chennai – 600 044.

4.The Inspector of Police,
T4 Sankar Nagar Police Station,
Pammal, Chennai – 600 075.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 2nd respondent relating to the impugned order passed by the 2nd respondent dated 19.03.2024 in Se.Mu.Na.Ta.Na.Ka.No.544/2024/AA1 and quash the same and to direct the respondents to restore the original possessions all damages and missing things and to forbear the respondents, their agents, subordinates from interfering with the petitioners' peaceful administration and management of temples, till the character of instructions is adjudicated in the manner known to law.



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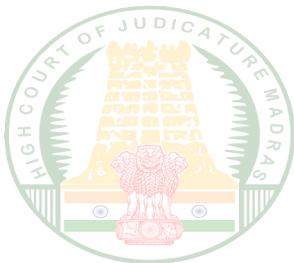
For Petitioners : Mr.S.Sarath Kumar

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader for RR1 to 3
Mr.M.Murali
Government Advocate for R4

COMMON ORDER

W.P.No.14190 of 2024 has been filed by the petitioners, to quash the impugned order of the 2nd respondent dated 19.03.2024, in and by which, the Executive Officer of Arulmigu Ranganatha Perumal Thirukoil, Thiruneermalai has been appointed as the Fit Person for the subject temple and for consequential orders.

2.W.P.No.36565 of 2024 has been filed by the writ petitioners to quash the order dated 28.05.2024 and connected proceedings as null and void and to declare the continuance of the 4th respondent, the Executive Officer and the 3rd respondent/Fit Person to the petitioners' Temple as illegal and violative of the judgment of the Hon'ble Supreme Court and also Terms and Conditions of Appointment of the Executive Officers Rules, 2015 and to consequently direct the respondents 1 to 4 to hand over administration of



the temple to the petitioners, who are the hereditary trustees, after removing
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the seal and locks.

3.I have heard Mr.T.Saikrishnan, learned counsel for the petitioners in W.P.No.36565 of 2024 and Mr.S.Sarath Kumar, learned counsel for the petitioners in W.P.No.14190 of 2024 and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader for the respondents 1 to 4 in W.P.No.36565 of 2024 and respondents 1 to 3 in W.P.No.14190 of 2024 and Mr.M.Murali, learned Government Advocate for the 5th respondent in W.P.No.36565 of 2024 and the 4th respondent in W.P.No.14190 of 2024.

4.The learned counsel appearing for the petitioners in both the writ petitions would submit that the petition temple, Arulmigu Agatheeswarar Temple, Pozhichalur, is a private temple which was established by the petitioners' ancestors within the residential premises, situate on grama natham lands. The lands admittedly belong to the Government and not to the HR & CE Department. The learned counsel for the petitioners would also state that a Inam Ryotwari Patta was granted under Section 8(1) of the Tamil Nadu Minor Inam (Abolition and Conversion into Ryotwari) Act, 1963, in



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considered as a public religious endowment and consequently, it is neither covered under Section 1(3) of the Act nor falls within the definitions under Sections 6(17) and 6(20) of the HR & CE Act. In fact, the learned counsel would also invite my attention to the civil dispute as regards the character of the temple and its properties, being private or public, being pending pursuant to the orders of the Hon'ble Supreme Court in Civil Appeal No.789 of 2017 etc., dated 30.07.2025, where the Hon'ble Supreme Court has directed the Sub-Court, Alandur to decide O.S.Nos.896, 726 and 103 of 2021 on merits and in accordance with law, without being prejudiced or influenced by any of the orders passed earlier.

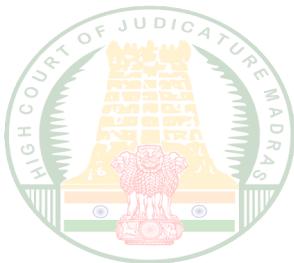
5. It is therefore contended by the learned counsel for the petitioners that when the statutory suit is pending, without a final adjudication regarding the nature and character of the temple and its properties, the respondents could not have unilaterally exercised right to appoint an Executive Officer/Fit Person and attempt to take over the administration and management of the temple.



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6. It is also brought to my notice that though the petitioners filed a suit in O.S.No.118 of 2009, which was subsequently transferred and renumbered as O.S.No.20 of 2022, came to be dismissed, it will not operate as *res judicata* and the character and status of the temple as well as the hereditary trusteeship of the petitioners is at large before the Sub-Court in the above referred suit. The learned counsel for the petitioners would also state that while matters stood there, in and by the impugned order dated 19.03.2024, a Fit Person has been appointed for the petitioner temple.

7. The grievance of the petitioners is that the said order was passed in gross violation of principles of natural justice and without even issuing a notice under Section 54(3) r/w Section 23 of the HR & CE Act, which mandates a notice to be issued. It is therefore contended by the learned counsel for the petitioners that the impugned order is in flagrant violation of not only the statutory provisions, but also principles of natural justice. In fact, it is also the further contention of the learned counsel for the petitioners that the impugned order dated 19.03.2024 is ante-dated and was never served on the petitioners and under the guise of the appointment of a Fit



Person under the impugned order, the Executive Officer/Fit Person
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trespassed into the petitioners temple and forcibly took over the administration, throwing the mandatory procedure under Section 101 of the HR & CE Act, to the winds. The petitioners have filed a criminal complaint before the District Munsif cum Judicial Magistrate, Pallavaram and the same is pending enquiry.

8. The learned counsel for the petitioners would also contend that the presumption drawn by the Department that the petitioners temple is a public temple is merely based on a wrongful assumption by the Department that since the trustees have been appointed by the Department, it would confer the status of a public temple. In this regard, it is contended by the learned counsel for the petitioners that when the statutory suit is pending, no such presumption would have been drawn by the respondents and the exercise of all subsequent actions were clearly illegal, unlawful and liable to be set aside.

9. The learned counsel for the petitioners would also brought to my notice, the order passed by this Court in one of these writ petitions, namely



W.P.No.14190 of 2024 on 25.05.2024, where this Court finding that the 1st WEB COPY

petitioner, K.Shanmugavel Mudaliar was acting as the hereditary trustee and his legal heirs would be entitled to succeed to the post of the hereditary trustee and that none else can step into his shoes, granted liberty to any of the legal heirs of the 1st petitioner to file an appropriate application, seeking to appoint themselves as hereditary trustees. In fact, this Court held as follows, *“as and when such application is filed, the same shall be allowed. Till an order is passed by the competent authority, the Fit Person can continue to discharge his duty.”*. This order dated 25.05.2024 has become final and it virtually disposes of both the writ petitions in my considered opinion. The legal heirs of the 1st petitioner were directed to file an application, seeking to appoint themselves as hereditary trustees and no discretion was left to the respondents, as this Court issued a positive direction that as and when such application is filed, it shall be allowed.

10. According to the petitioners, the 2nd and 3rd petitioners, being legal heirs of the 1st petitioner, have submitted applications on 03.06.2024, 06.04.2025 and again on 29.10.2025. Despite the same, no orders have been passed to discharge the Fit Person and recognize the succession to the



hereditary trusteeship. In fact, the learned counsel for the petitioners, relying

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on several orders of this Court, would also contend that under Section 54(1) of the Act, succession to hereditary trusteeship is automatic and there was no need to even make an application in the first place. However, in compliance with the orders of this Court on 25.05.2024, formal applications have also been made.

11. The learned counsel for the petitioners would also invite my attention to the order passed by the Hon'ble Supreme Court in Civil Appeal No.803 of 2020, where the Hon'ble Supreme Court held that a Fit Person/Executive Officer cannot be appointed, without considering the entitlement of the heirs. The learned counsel for the petitioners would also invite my attention to the order passed by this Court in CMP.No.4895 of 2018 and CRP.No.1123 of 2014, where this Court taking note of the fact that no action that will precipitate the status quo of the plaintiff shall be passed, without the leave of the civil Court where the statutory suit is pending. This order has also become final, according to the petitioners and therefore, the impugned orders are clearly violative of orders of this Court time and again. They would therefore pray for the writ petitions being



allowed by quashing the impugned proceedings and to restore hereditary trusteeship to the family of the petitioners.

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12. Per contra, Mr.N.R.R.Arun Natarajan, learned Special Government Pleader appearing for the HR & CE Department would fairly admit that statutory suit is pending and the Hon'ble Supreme Court has issued certain directions. However, he would submit that the petitioners have an alternate remedy to approach the Commissioner, challenging the proceedings of the 2nd respondent under Section 21 of the Act, which is an equally effective and efficacious remedy. On this ground, it is contended by the learned Special Government Pleader that the writ petitions are not maintainable.

13. On the merits of the averments set out in the writ petitions, the learned Special Government Pleader would submit that admittedly the petitioner temple is a listed temple coming under the control of the Department under Section 46(i) of the Act and the Executive Officer is administering the day to day affairs of the temple. The 1st petitioner is no longer the hereditary trustee of the temple, as he has been removed vide proceedings of the Joint Commissioner, HR & CE, Chennai, way back on



27.02.2009. The said order was challenged by the 1st petitioner in
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W.P.No.3693 of 2009. The same was dismissed, giving liberty to the 1st petitioner to file a statutory appeal before the Commissioner, HR & CE under Section 53(5) of the Act. The 1st petitioner challenged the order of the removal before the Commissioner, which was also dismissed on 29.05.2017 in A.P.No.18 of 2009. The 1st petitioner has thereafter filed a statutory suit under Section 53(6) of the Act before the Sub-Court, Tambaram, in O.S.No.160 of 2017, which is now transferred to Sub-Court, Alandur and pending in O.S.No.896 of 2021. The learned Special Government Pleader would therefore state that when there is no interim order, staying the proceedings/order of the 2nd respondent, terminating the 1st petitioner, the 1st petitioner has no locus and cannot contend that he continues to be the hereditary trustee of the petitioner temple.

14. Insofar as the petitioners 2 and 3, Mr.N.R.R.Arun Natarajan, learned Special Government Pleader would contend that as on date, they have not been recorded as hereditary trustees and unless the mandate of Section 54(2) of Act is followed, they also cannot claim any hereditary status. He would further contend that despite the order dated 25.05.2024 in



one of the above writ petition in W.P.No.14190 of 2024, the petitioners have
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not approached the respondents to record them as the hereditary trustees or
even as interim Fit Persons.

15. The learned Special Government Pleader would further state that even according to the petitioners, the temple is situate in gramam natham lands and the petitioners cannot claim it to be their property. In such circumstances, the temple, which is situate on Government property, is only a public temple and the temple is governed only by the provisions of the Act, within the meaning of Section 1(2)(3) as well as Section 6(17) and Section 6(20) of the HR & CE Act.

16. The learned Special Government Pleader would further state that the petitioners are attempting to distort the order passed in SLP.No.13861 of 2009, which granted an order of status quo between the legal heirs of the deceased father of the petitioners, regarding succession to the office of hereditary trusteeship. He would further contend that the petitioners have not been able to show that the temple was built by their ancestors or



predecessors and the question whether the temple is a private temple or

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public temple has been decided in O.S.No.118 of 2009, as well as in O.S.No.20 of 2025 and CRP.No.1779 of 2019. He would further contend that the very fact that the 1st petitioner moved the Department under Section 54(1) of the Act for recognition as hereditary trustee, after death of his father estops the petitioners from turning around and claiming that the temple would not come under the purview of the HR & CE Act.

17. It is also the specific contention of the learned Special Government Pleader that there has been gross mismanagement by the petitioners as well as breach of trust, misappropriation of temple funds and failure to take proper care of the properties of the temple and as many as 14 charges were framed against the 1st petitioner, which were all proved after due enquiry, resulting in his removal from office in 2009. He would therefore state that there is absolutely no infirmity in the appointment of the Executive Officer/Fit Person for managing the day to day affairs of the petitioners temple.

18. In fact, according to the learned Special Government Pleader, the



Executive Officer was appointed even in 1991 under Section 45(1) of the
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Act and the 1st petitioner was recorded as a hereditary trustee in the place of his father on 24.11.1998 and at no point of time, the 1st petitioner challenged the appointment of the Executive Officer in 1991. The learned Special Government Pleader would also state that the petitioner has sold several acres of the temple property, besides also settling vast extents on his wife, besides mortgaging temple properties. Promptly action was initiated against him under Section 53(2) of the Act and therefore even though this Court had directed the respondents to recognize the 1st petitioner's legal heirs as the hereditary trustees, firstly no application has been made as directed by this Court in the order dated 25.05.2024 and secondly, the legal heirs cannot be expected to take action against the 1st petitioner, their close family member and therefore, this Court, taking into account the fact that the Court is the custodian of temple properties, should not direct the recognition of the petitioners 2/3 as the hereditary trustee, succeeding to the 1st petitioner.

19. The learned Special Government Pleader would also rely on Rule 10(1) of the Appointment of Executive Officers Rules, 2015, which states that the Rules will not adversely affect the powers of Executive Officers,



WEB COPY who have been holding the post immediately before the date of commencement of the Rules. It is therefore contended by the learned Special

Government Pleader that the prayer sought for in the above writ petition to declare the appointment of the Executive Officer/Fit Person as being violative of the judgment of the Hon'ble Supreme Court is unsustainable, devoid of merit and liable to be dismissed.

20. It is also the contention of the learned Special Government Pleader that in 2009, a Fit Person has been appointed by the Joint Commissioner, pursuant to terminating the 1st petitioner, on account of maladministration and after dismissal of the suit in O.S.No.20 of 2022 on 03.10.2024 and the petitioners cannot continue to claim right, that too, by invoking powers under Article 226 of Constitution of India. The learned Special Government Pleader would also state that after taking charge of the temple in March 2024, the respondents 3 and 4 have taken several steps to protect the temple properties, performed regular poojas, maintained the temple premises in good condition, ensured devotees have comfortable dharshan, drinking water facility, toilet facility, etc., and that Kumbabishegam is also to be performed in March 2026 and necessary approvals have already been

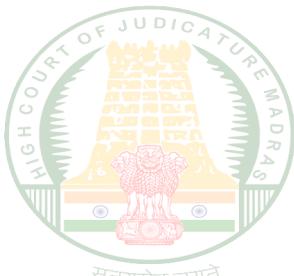


received from the Regional Expert Committee, State Expert Committee and
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works have already commenced for successful performance of the Kumbabishegam. The learned Special Government Pleader would therefore state that the Court exercising *parens patria* jurisdiction is entitled to protect the property of the deity and the writ petitions are therefore liable to be dismissed.

21.I have carefully considered the submissions advanced by the learned counsels for the petitioners and the learned Special Government Pleader for the respondents.

22.The discussion and extract of the arguments of the learned counsel on both sides would amply narrow down the scope of these writ petitions. The appointment of the Fit Person has been challenged in W.P.No.14190 of 2024 by proceedings dated 19.03.2024. This Court, after hearing the parties, by order dated 25.05.2024, directed the petitioners to file an appropriate application, seeking appointment as hereditary trustees and that as and when such application is filed, this Court, leaving no room for discretion at the end of the Department, directed that such application will have to be



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necessarily allowed and only till such time, an order is passed by the competent authority, this Court entitled the Fit Person to continue to discharge his duties.

23. The petitioners 2 and 3, pursuant to the said orders, have written to the Joint Commissioner on 03.06.2024, referring to the order dated 25.05.2024, seeking to recall the appointment of the Fit Person and to hand over the charge to the petitioners 2 and 3, whose status as legal heirs is not in dispute. No doubt, in the said representation, the petitioners have stated that law does not necessitate them to even make an application, as succession is automatic. Reliance has been placed on the ratio laid down by the Hon'ble Supreme Court in Civil Appeal No.803 of 2020 and the judgment of this Court in 2002 (5) CTC 31.

24. It is however contended by Mr.N.R.R.Arun Natarajan that this communication dated 03.06.2024 is not in compliance with the directions issued by this Court on 25.05.2024. Even though as rightly contended by the learned Special Government Pleader, there was no request to recognize the petitioners 2 and 3, a reading of the entire communication clearly indicates

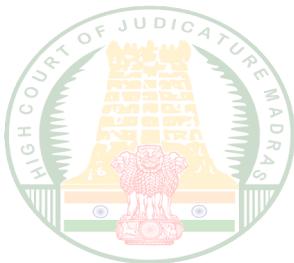


that the said communication was sent only pursuant to the order passed by
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this Court on 25.05.2024. The petitioners were probably advised that since the law does not require any formal application, they have not specifically sought for recognition of their hereditary trusteeship.

25. Even thereafter, another representation was given on 06.04.2025 by the petitioners 2 and 3, where they have specifically sought to be appointed as the hereditary trustees, without prejudice to their rights in the pending suits and various orders passed by the Courts. In fact, a further representation was given by the petitioners 2 and 3 on 29.10.2025, which is clearly styled as “third formal application”. In such circumstances, I am unable to countenance the argument of the learned Special Government Pleader that the petitioners 2 and 3 have not made any formal application under Section 54(1) in compliance with the orders of this Court dated 25.05.2024.

26. By not acting upon the applications filed by the petitioners 2 and 3, the respondents have clearly violated the order of this Court dated



25.05.2024. It is not open to the respondents to contend that the petitioners

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have not made any application at all and hence, they are not entitled to be recognized. The order of this Court dated 25.05.2024 has not been challenged by the respondents till date and consequently, the failure to recognize the respondents 2 and 3 as the hereditary trustees is clearly tantamounting to willful disobedience of the orders of this Court. I do not see any reason why the petitioners 2 and 3 are disqualified to be recognized as hereditary trustees.

27. Though it is contended by the Special Government Pleader that the 1st petitioner has indulged in gross misappropriation of assets and funds of the temple, it is not a ground to disallow the entitlement of the petitioners 2 and 3, who are otherwise entitled to be recognized as hereditary trustees, especially after the positive direction issued by this Court in one of these writ petition in W.P.No.14190 of 2024. There was no other option for the Department but to recognize the petitioners 2 and 3 and discharge the Fit Person. In view of the above, the petitioners are entitled to succeed in W.P.No.14190 of 2024. The order dated 19.03.2024 is quashed, the appointment of Fit Person is set aside and the 3rd respondent shall pass a



formal order, recognizing the hereditary trusteeship of the petitioners 2 and
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3, forthwith. The respondents are also directed to restore the management and administration of the temple to the petitioners 2 and 3. The parties are directed to await final orders in the statutory suit pending before the Sub-Court, Alandur, in compliance with the directions issued by the Hon'ble Supreme Court.

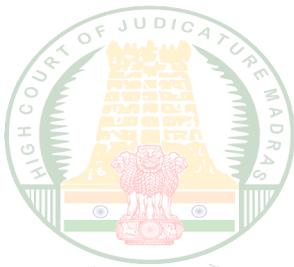
28. Insofar as W.P.No.36565 of 2024, challenging the order dated 28.05.2024, I do not see any impediment for the administration of the temple being handed over to the petitioners 2 and 3 and the continuance of the Executive Officer, 4th respondent is unnecessary. No doubt, the learned Special Government Pleader has placed reliance on the appointment of Executive Officers Rules, 2015, which came into effect only after the decision of the Hon'ble Supreme Court in 2014 (1) CTC 763, but however, when admittedly the temple has been managed and administered by the hereditary trustees and even before the 1st petitioner, his father was recognized as hereditary trustee and he was in charge up to 1991 and only pursuant to his demise, a Fit Person was appointed only as a stopgap arrangement.



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29. Subsequently, when the 1st petitioner was recognized as a hereditary trustee, there was no longer any requirement to continue with the Executive Officer and in view of the orders in W.P.No.14190 of 2024 dated 25.05.2024, as well as the directions issued in and by this common order, the continuance of the Executive Officer is also wholly unnecessary. The Rules framed in 2015 will not come in the way of the hereditary trustees taking over the management and administration of the petitioner temple and the Rules are only subservient to the statutory provisions and cannot over ride the provisions of the Act.

30. Section 47 of the HR & CE Act deals with a religious institution included in the list published under Section 46 and can be pressed into service only when there are no hereditary trustees. Admittedly, the petitioner temple has hereditary trustees and therefore, the respondents could not have fallen back on any of the subsections of Section 47 of the Act and proceeded to appoint an Executive Officer or a Fit Person. In the light of the above, W.P.No.36565 of 2024 also deserves to be allowed. It is also brought to my notice by the learned counsel for the petitioners that the respondents are



attempting to lease out the lands belonging to the petitioner temple and
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tender has also been called for. In view of the orders passed in these writ petitions, all such steps and actions taken by the respondents stand nullified and the parties are directed to await the final decision in the statutory suit pending, regarding the nature and character of the temple, its properties, as well as the trusteeship of the petitioners 2 and 3.

31. Equally, the suit filed originally in O.S.No.118 of 2019 and subsequently renumbered as O.S.No.20 of 2022 did not deal with the character of the temple or the hereditary trusteeship status of the petitioners. The said suit was also only filed by the 1st petitioner and not by the petitioners 2 and 3. In such circumstances, the dismissal of the said suit will also not come in the way of the petitioners 2 and 3, exercising their legitimate rights under the law.

32. The order in CRP.No.1779 of 2019 is sought to be put against the petitioners by the Special Government Pleader. This Court only confirmed the dismissal of a stay application filed, that too by the 1st petitioner and this Court finding that the order of status quo granted by the Hon'ble Supreme Court was only with regard to recognizing rights of Varalakshmi and others



as hereditary trustees and not relating to removal of the 1st petitioner and
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appointment of the Fit Person, did not find any merit in the revision. Though this Court observed that the 1st petitioner having moved the Department under Section 54(1) for being recognized as hereditary trustee after the death of his father cannot turn around and contend that the temple would not come within the purview of the HR & CE Act, these observations in the passing would not be binding as the Hon'ble Supreme Court in the final order passed on 30.07.2025 has specifically directed the Sub-Court to decide the matter on merits and without being influenced by any of the other orders passed concerning the parties to the lis.

33. With the above observations and directions, these Writ Petitions are allowed. No costs. Connected Writ Miscellaneous Petitions are closed.

09.01.2026

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Neutral Citation: Yes/No
Speaking Order/Non-speaking Order
Index : Yes / No
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1. The Commissioner,
HR & CE, (A) Administration Department,
Nungambakkam, Chennai – 600 034.
2. The Joint Commissioner,
HR & CE, Administration Department,
Kanchipuram,
Kanchipuram District – 631 501.
3. The Executive Officer/Fit Person,
A/M.Ranganatha Perumal Temple,



Thiruneermalai, Chennai – 600 044.

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4. The Executive Officer,
A/M, Agastheeswarar Temple,
Having office at A/M, Thirusulanathan Swami Temple,
Thirusulam, Chennai – 600 043.

5. The Inspector of Police,
S6, Sankar Nagar,
Pammal, Chennai – 600 075.

P.B. BALAJI,J.

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Pre-delivery order made in
W.P.Nos.36565 & 14190 of 2024
& WMP.Nos. 39423, 43141,
15383 to 15385 of 2024 & 48226 of 2025

09.01.2026

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