

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.9.2015

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH

W.P.No.29359 of 2015 and
M.P.No.1 of 2015

N.Kadirvel

... Petitioner

vs.

1 The Commissioner
Tamil Nadu Hindu Religious and Charitable
Endowments Board Nungambakkam Chennai-34.

2 The Joint Commissioner
Tamil Nadu Hindu Religious and Charitable
Endowments Board Vellore.

3 The Assistant Commissioner
Tamil Nadu Hindu Religious and Charitable
Endowments Board, Kancheepuram.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents not to appoint Trustees of the Arulmighu Kanikandeewarar Padavettammal Temple Karunkkinil Amarndaval Koil Street Kancheepuram Town till the disposal of the petition for modification of scheme decree dated 16.12.2008 made in O.A.No.5 of 2004.

For Petitioner

.. Mr.D.Baskar

For R1 to R3

.. Mr.K.V.Dhanapalan,
Addl. Govt. Pleader

ORDER

Seeking modification of the scheme decree passed in O.A.No.5 of 2004, dated 16.12.2008, the petitioner filed an application for modification in April 2015 under Section 65(4)(a) of the Hindu Religious & Charitable Endowment Act. Alleging that respondents are trying to appoint trustees during the pendency of the said application, the present writ petition has been filed.

2. Merely because, the petitioner filed an application for modification of the scheme decree, there is no bar in law for the respondents in appointing trustees. However, taking into consideration of the pendency of application made seeking

modification, a direction is issued to second respondent to pass appropriate final orders on the same on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. If any trustees are appointed in the meantime, the said appointment should be subject to the final order to be passed in the application seeking modification.

3. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CSII)

dt:29/9/2015

True Copy

Sub-Assistant Registrar

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To

- 1 The Commissioner
Tamil Nadu Hindu Religious and Charitable
Endowments Board Nungambakkam Chennai-34.
- 2 The Joint Commissioner
Tamil Nadu Hindu Religious and Charitable
Endowments Board Vellore.
- 3 The Assistant Commissioner
Tamil Nadu Hindu Religious and Charitable
Endowments Board, Kancheepuram.

+1 cc to Mr.D.Baskar Advocate sr.51053/15
+1 cc to Government pleader sr.51051/15

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