

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2015

CORAM

THE HON'BLE Mr.JUSTICE M.M.SUNDRESH

W.P.No.31901 of 2015
& M.P.No.1 of 2015

Veerappan Poojari

.. Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowment
(Administration) Department,
Nungambakkam, Chennai-600 034.

2. The Executive Officer,
Arulmigu Angalamman Temple,
Melmalaiyanur, Gingee Taluk,
Villupuram District.

3. D.Annamalai

4. P.Selvaraj

5. S.Chandran

6. S.Annamalai Poojari

7. M.Vadivel Poojari

8. D.Poongavanam

9. V.K.Saravanan

10.Dhandavarayan Poojari

11.S.Subramania Poojari

12.M.Santhosam poojari

(Legal heir of S.Mannu Poojari)

13. K.Saravanan

(Legal heir of Kanni Poojari)

14. R.Jothi @ Gangadharan

(Legal heir of D.Rajagopal)

15. Settu @ Elumalai

(Legal heir of V.Dakshinamoorthy)

16. T.Raja

(Legal heir of Dhandavarayan Poojari)

17. Sivakumar

(Legal heir of Subramania Poojari)

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the records of the first respondent in order dated 29.09.2015 made in M.P.Nos.1 and 2 of 2015 in A.P.No.18/2015 D2 in so far as it relates to the election of Trustee of Arulmighy Angalamman Temple, Melmalayanur, Gingee Taluk, Villupuram District, and quash the same.

For Petitioner .. Mr.R.Thiagarajan

For Respondents .. Mr.K.V.Dhanapalan,
Addl. Govt. Pleader for R1

Mr.B.Kesavan for R2

Mr.D.Kanagasundaram for R15 to R17

ORDER

A scheme was framed in pursuant to the decree passed in O.S.No.42 of 1933 on the file of District Court, Cuddalore, which was modified in O.A.No.144 of 1968 by an order dated 05.03.1977. As per the scheme, trustees have been elected from time to time.

2. The petitioner herein has filed O.A.No.4 of 1999 before the Joint Commissioner, HR & CE, Myladuthurai, seeking to modify the scheme and contended that the women will have to be given the voting rights. The said O.A., was transferred to the file of Joint Commissioner, HR & CE, Villupuram, and re-numbered as O.A.No.49/2006, which was dismissed by an order dated 25.10.2010, against which an appeal in A.P.No.34 of 2011 has been filed. The same was set aside by an order dated 08.02.2012 remanding the matter to hold a de novo enquiry in terms of Section 64(5) (a) (b) of the Hindu Religious Charitable and Endowment Act, 22 of 1959. Subsequently, the said O.A., has been renumbered as O.A.No.3 of 2012 and the Joint Commissioner has dismissed the same on 10.06.2015. Aggrieved by the said order, the petitioner has preferred an appeal in A.P.No.18 of 2015 under Section 69(1) of the Hindu Religious Charitable and Endowment Act, 22 of 1959. Pending appeal, the petitioner seeks stay of the election, which was dismissed on the ground that the present position has been prevailing from 1933 onwards and during the pendency of the modification petition also trustees were elected as per the scheme provision. Challenging the same, the present writ petition has been filed.

3. In the order impugned sufficient reasons have been assigned. The appeal has been filed seeking to modify the scheme. The elections are being conducted from time to time. Therefore, considering the above, the first respondent has correctly passed the order by exercising his discretion. Hence, this Court does not find any reason to interfere with the order impugned. However, it is made clear that the conduct of the election and the declaration of the trustees would be subject to the final orders to be passed in A.P.No.18 of 2015.

4. With the abovesaid observation, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Raa

Sd/-

Assistant Registrar (Admn.,I)

/True Copy/

Sub-Assistant Registrar

To

1. The Commissioner,
Hindu Religious and Charitable Endowment
(Administration) Department,
Nungambakkam, Chennai-600 034.

2. The Executive Officer,
Arulmigu Angalamman Temple,
Melmalaiyanur, Gingee Taluk,
Villupuram District.

+1 C.C. To MR.R.Thiagarajan, Advocate in SR.NO.54604

+1 C.C. To MR.B.Kesavan, Advocate in SR.NO.54480

+1 C.C. To MR.D.Kanaga Sundaram, Advocate in SR.NO.54469

+1 C.C. To Special Government Pleader (HR & CE) SR.NO.54944

W.P.No.31901 of 2015

AD(CO)

sd : 27/10/2015

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