

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.3396/2015 & MP.Nos.1&2/2015

E.Thulasi

..

Petitioner

Versus

1. The Joint Commissioner
HR&CE Administration Department
Villupuram.

2. The Fit Person/Inspector
HR&CE Administration Department
Gingi.

..

Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records of the 1st respondent in his proceedings br.K.e.f.ek;gh; 5141-2014-,2 dated 05.08.2014 and quash the order dated 05.08.2014 appointing the 2nd respondent as the fit person to Arulmighu Varadharaja Perumal Temple, Gengapuram, Gingi Taluk Villupuram district and direct him to appoint the petitioner as the Hereditary Trustee of the temple in the temporary vacancy.

For Petitioner : Mr.S.Balasubramanian

For RR 1 & 2 : Mr.S.V.Duraisolaimalai, AGP for
Mr.S.Kandasamy, Spl.GP [HR&CE]

ORDER

Heard Mr.S.Balasubramanian, learned counsel for the petitioner and Mr.S.V.Duraisolaimalai, learned Additional Government Pleader appearing for the respondents and with their consent, the writ petition is disposed of at the admission stage itself.

2. The petitioner has filed the present writ petition challenging the order passed by the 1st respondent dated 05.08.2014 appointing the 2nd respondent as the Fit Person to Arulmighu Varadharaja Perumal Temple, Gengapuram, Gingi Taluk, Villupuram District.

3. The petitioner is the daughter of one Eswaran. The said Eswaran was appointed as the Hereditary Trustee and for certain delinquencies, he has been temporarily suspended from the post of Hereditary Trusteeship by proceedings dated 05.08.2014. It appears that the petitioner's father is independently challenging the said order by resorting to the remedies available under the provisions of the Tamil Nadu Hindu Religious and Charitable Endowment Act. In the

interregnum, now the petitioner seeks for an appointment, appointing her as the Hereditary Trustee. Since the petitioner's father has already challenged his temporary suspension from the post of Hereditary Trusteeship, unless that dispute is resolved, the question of petitioner's claim does not arise. However, if the petitioner seeks individual claim de hors the claim made by her father, it is open to the petitioner to pursue her claim before the competent authority which shall be considered in accordance with law.

4. Accordingly, the writ petition fails and the same is dismissed with the above observation. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

AP

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1. The Joint Commissioner
HR&CE Administration Department
Villupuram.
2. The Fit Person/Inspector
HR&CE Administration Department
Gingi.

+1 C.C. To Mr.S.Balasubramanian, Advocate (Sr.NO.7234)

+1 C.C. To Government Pleader, (Sr.No.7434)

सत्यमेव जयते

WP.No.3396/2015

ALA (CO)
SD 23/02/2015

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