

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2015

CORAM

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

W.P.Nos.5440 & 7324 of 2015 &
M.P.Nos.1 to 3 of 2915 in W.P.No.5440 of 2015 &
M.P.Nos. 1 & 2 of 2015 in W.P.No.7324 of 2015

Saravana Pandian .. Petitioner in W.P.No.5440/2015

Rebello .. Petitioner in W.P.No.7324/2015

v.

- 1 The Addl. Commissioner
Hindu Religious and Charitable Endowments
(Admn.) Department
No.119 Uthamar Gandhi Salai
Nungambakkam, Chennai 34 ... 1st Respondent in W.P.No.5440/2015
- 2 The Commissioner
Hindu Religious and Charitable Endowments
(Admn.) Department
No.119 Uthamar Gandhi Salai
Nungambakkam, Chennai 34 ... 1st Respondent in W.P.No.7324/2015
- 2 The Joint Commissioner
Hindu Religious and Charitable Endowments
Department
Madurai ... 2nd Respondent in W.P.No.5440/15
and W.P.No.7324/2015
- 3 Sivaji Poojari
Chairman Board of Trustee
Arulmigu Pandimuneeswarar Temple
Melamadai
Madurai North
Madurai 625 020 ... 3rd Respondent in W.P.No.4440
and W.P.No.7324/15

W.P.No.5440 of 2015 is filed under Article 226 of The Constitution of India praying to issue a writ of certiorari, calling for the records pertaining to the impugned order passed by the The Addl. Commissionr, Hindu Religious and Charitable Endowments (Admn.)

Department, Chennai/1st respondent in O. Mu. No. 54556/2013/G.4, dated 13.2.2015, quash the same.

W.P.No.7324 of 2015 is filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus, calling for the records pertaining to the impugned order passed by the 1st respondent in O. Mu. No. 54556/2013/G.4, dated 13.2.2015 quash the same and direct the 2nd respondent to grant share in the Hundial collection to the petitioner as per the order passed by the 2nd respondent in O.A. No.77 of 1980 dated 8.5.1981.

For Petitioners : Mr.W.C.Thiruvengadam(W.P.5440/2015)
Ms.J.Aanandhavalli (W.P.No.7324/2015)

For Respondent : Mr.K.V.Dhanapalan
Addl. Govt. Pleader - for R1 & R2

No appearance - for R3

COMMON ORDER

Challenging the very same order, both the petitioners have filed the present writ petitions by which the request made to recognise them as legal heirs of the deceased P.M. Raja Poojari was rejected on the ground of the subsequent enactment, by which hereditary trusteeship has been taken away.

2. Learned counsels appearing for both the petitioners submitted that the Hundial belongs to about 10 families. The suit has already been decided by the Civil suit in O.S.No.413 of 2000. It is a statutory suit. An appeal has been filed by the Department, which is pending disposal in A.S.No.801 of 2002 on the file of Madurai Bench of this court. The petitioners and others have not been heard. Therefore, the order impugned will have to be set aside.

3. In this case, two persons have challenged the very same order by which a request for share in the Hundial was rejected. The impugned order neither have any reference to the decree passed by the Civil Court nor it speaks about the submissions made by the petitioners.

4. Thus, this court is inclined to set aside the order impugned by directing the 1st respondent to issue notice to the petitioners as well as the other similarly placed persons, who are said to be receiving respective shares, as it is also one of the grievance of the petitioners before this court that they are being discriminated against. After due enquiry, the 1st respondent shall pass a reasoned order.

The writ petitions are allowed accordingly. No costs.
Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

Rj

To

1 The Commissioner
Hindu Religious and Charitable Endowments
(Admn.) Department
No.119 Uthamar Gandhi Salai
Nungambakkam, Chennai 34

2 The Joint Commissioner
Hindu Religious and Charitable Endowments
Department
Madurai

+2 ccs to Government Pleader, sr.48462, 48463

+1 cc to Mr.J.Anandhanvalli, Advocae, sr.48464

+1 cc to Mr.W.C. Thiruvengadam, Advocate, sr.48465

W.P.Nos.5440 & 7324 of 2015 &
M.P.Nos.1 to 3 of 2915 in
W.P.No.5440 of 2015 &
M.P.Nos. 1 & 2 of 2015 in W.P.No.7324
of 2015

pvr co
kra 23/09

WEB COPY