

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.17838 of 2012

1.A.Subramani
2.A.Maheswari
3.A.Parimala
4.A.Vanaja
5.A.Vijayakumar

... Petitioners

Vs.

- 1.The State Rep., by its
Secretary to Government,
Hindu Religious and Charitable
Endowment Department,
Secretariate, Fort St., George,
Chennai - 600 009.
- 2.The Commissioner,
Hindu Religious and Charitable Endowment,
Nungambakkam High Road,
Nungambakkam, Chennai - 600 034.
- 3.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Nungambakkam High Road,
Nungambakkam, Chennai - 600 034.
- 4.The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Nungambakkam High Road,
Nungambakkam, Chennai - 600 034.

5.The Executive Officer,
Sevvel Kottam,
Administrative Control of
Arulmigu Sri Natarajaperumal of Siva
Subramania Samy Temple,
No.4/7 Sami Pillai Street,
Choolai, Chennai - 600 112.

Having office at
No.194, Adam Sahib Street,
[Opp. To Kalmandabam]
Rayapuram, Chennai - 600 013.

6.A.Mohan

7.S.Rajendiran

8.S.Gowri

9.S.Pannerselvam

10.S.Gajendhiran

11.S.Siva

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Mandamus to direct the respondents 1 to 5 to take over the immovable property bearing Door No.39/44, [At that time of time of execution of Trust deed Door No.37], Venkatachala, Mudhali Street, Choolai, Chennai - 600 112 [as fully described in the schedule of the petition property] from the respondents 7 to 11 for effective and better management to fulfil the intention of the Testator, Mrs.Kanniammal as per the Trust deed dated 25.07.1931, endowed by her to Arulmighu Sri Nataraja Perumal of Siva Subramaniasamy Temple under proper care and effective control of the Hindu Religious and Charitable Endowment Administration, Nungambakkam, Chennai - 600 034.

For Petitioner : Mr.A.Thamizharasan

For Respondents : Mr.M.L.Mahendran G.A., for RR1 to R4
Mr.S.D.Ramalingam for R5
Mr.V.Ganesh for R6
Mr.S.Ravichandran for RR7 to R11

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.Heard Mr.D.Panchatsaram, learned counsel appearing for the petitioner, Mr.M.L.Mahendran, learned Government Advocate appearing for the respondent 1 to 4, Mr.S.D.Ramalingam, learned counsel appearing for the fifth respondent, Mr. V.Ganesh, learned counsel appearing for the sixth respondent, Mr.S.Ravichandran, learned counsel appearing for the respondents 7 to 11.

3.The petitioner has filed this Writ Petition for issuance of a Writ of Mandamus to direct the respondents 1 to 5 to take over the immovable property bearing Door No.39/44, Venkatachala, Mudhali Street, Choolai, Chennai - 600 112 from the respondents 7 to 11 for effective and better management to fulfil the intention of the Testator, Mrs.Kanniammal as per the Trust deed dated 25.07.1931, endowed by her to Arulmighu Sri Nataraja Perumal of Siva Subramaniasamy Temple under proper care and effective control of the Hindu Religious and Charitable Endowment Administration, Nungambakkam, Chennai - 600 034.

4. According to the petitioner, the property has been mismanaged by the respondents 6 to 11 and it is to be taken over by the respondents 1 to 5. The private respondents 6 to 11 have submitted that they are entitled to continue in management.

5. The Executive Officer has filed a counter affidavit stating that the petitioner as well as the respondents 6 to 11 have to hand over the property to the temple and the Department has to manage the same so as to safeguard the interest of the trust.

6. The learned counsel appearing for the petitioner on instruction of the petitioner submitted that the petitioner is ready and willing to handover the same.

7. In the light of the same, it is open to the fifth respondent to take appropriate action in accordance with the provisions of law, so as to ensure that the property of the trust is safeguarded and protected. Such action shall be initiated by the fifth respondent, within a period of two months from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pbn

To

- 1.The State Rep., by its
Secretary to Government,
Hindu Religious and Charitable
Endowment Department,
Secretariate, Fort St., George,
Chennai - 600 009.
 - 2.The Commissioner,
Hindu Religious and Charitable Endowment,
Nungambakkam High Road,
Nungambakkam, Chennai - 600 034.
 - 3.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Nungambakkam High Road,
Nungambakkam, Chennai - 600 034.
 - 4.The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Nungambakkam High Road,
Nungambakkam, Chennai - 600 034.
 - 5.The Executive Officer,
Sevvel Kottam,
Administrative Control of
Arulmigu Sri Natarajaperumal of Siva
Subramania Samy Temple,
No.4/7 Sami Pillai Street,
Choolai, Chennai - 600 112.
- 2 cc to Mr. A.Thamizharasan,Advocate, SR.No.5621
1 cc to Mr. S.D.Ramalingam,Advocate, SR.No.5619
1 cc to Government Pleader,Sr.No5822

WEB COPY

W.P. No.17838 of 2012

PA (CO)
PMK.23.2.2015