



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2015

CORAM:

THE HONOURABLE DR. JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR. JUSTICE V.S.RAVI

W.P. (MD) No.1930 of 2015

and

M.P. (MD) Nos.1 and 2 of 2015

T.Ayyanraj

... Petitioner

Vs.

- 1.The Secretary to Government,
Hindu Religious and Charitable Endowment Department,
Secretariat, Chennai - 9.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Trivandrum Road, Palayamkottai,
Tirunelveli 627 002.
- 3.The State of Tamil Nadu,
Rep.by the District Collector,
Tirunelveli Collectorate,
Tirunelveli District.
- 4.His Holiness Sri Madhurakiri,
Ramanuja Jeer.
- 5.Galaxy Hospital,
Rep.by its Administrative Officer,
Tirunelveli.
- 6.A.Rengarajan
- 7.S.K.Padmanabhan
- 8.Srikanth

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of quo warranto, calling upon the fourth respondent to state under what authority or rule or Sastra or Custom, he is holding the public office and if the reply given by him is illegal or against the customary practice or provisions of Hindu Religious and Charitable Endowment Act, declare his occupying the office as illegal and declare the office as vacant and direct the respondents 1 and 2 to fill up the office following the provisions of the Hindu Religious and Charitable Endowment Act.

For Petitioner : Mr.T.Indrachithu

For Respondents : Mr.V.R.Shanmuganathan, Spl.G.P. for R1 to 3

ORDER

(Order of this Court was made by S.TAMILVANAN,J.)

This Writ petition has been filed, seeking an order in the nature of Writ of quo warranto, calling upon the fourth respondent to state under what authority or rule or Sastra or Custom, he is holding the public office and if the reply given by him is illegal or against the customary practice or provisions of Hindu Religious and Charitable Endowment Act, declare his occupying the office as illegal and declare the office as vacant and direct the respondents 1 and 2 to fill up the office by following the provisions of the Hindu Religious and Charitable Endowment Act.



2. Heard learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents 1 to 3.

3. Learned counsel appearing for the petitioner submitted that the petitioner is a devotee of the fourth respondent's Mutt and there is mismanagement of Arulmighu Sri Vanamamalai Perumal Temple, however, no action was taken by the respondents 1 to 3 herein and therefore, he is constrained to file the Writ petition invoking Article 226 of the Constitution of India.

4. Learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the respondents 1 to 3 have no authority in appointing the fourth respondent as Jeer. As he has not a person holding any government office, hence, the petitioner is not entitled to maintain the Writ petition, seeking an order in the nature of 'Quo warranto'.

5. It is admitted by the petitioner that the fourth respondent is only a Jeer at Sri Vanamamalai Mutt, which is not the government office or public office under the Government.

6. On the aforesaid facts and circumstances, we are of the view that the petitioner is not entitled to maintain the Writ petition, seeking an order in the nature of Quo warranto to remove the fourth respondent as Jeer.

7. In the result, the Writ petition is dismissed. No costs. Consequently, connected M.Ps. are closed.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Hindu Religious and Charitable Endowment Department,
Secretariat, Chennai - 9.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Trivandrum Road, Palayamkottai,
Tirunelveli 627 002.

3. The District Collector,
Tirunelveli Collectorate,
Tirunelveli District.

+1cc to the Special Government Pleader in SR.No.7894

sm:07.04.2015:2P/5C

W.P. (MD) No.1930 of 2015