

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.24079 of 2014
and
M.P.No.1 of 2014

Chennu Guru Prasad
Chairman
Board of Trustees
Sri Kadu Hunumantha Rayar Temple
Dharapuram, Coimbatore-638 656. ... Petitioner

Vs.

1.The Commissioner
H.R.& C.E. Department
Nungambakkam
Chennai-34.
2.Joint Commissioner
H.R. & C.E.
Dr.Balasundaram Road
Coimbatore.
3.The Executive Officer
Sikadu Hanumantha Rayar Temple
Dharapuram
Tiruppur District.
4.Fit Person
Srikadu Hanumantha Rayar Temple
Dharapuram, Tiruppur District. ... Respondents

The writ petition is filed to issue a writ of mandamus, directing the respondents to act on the tenure of the order of scheme, dated 1.12.1976 in O.A.No.147 of 1976, appoint new Board of Trustees as seen in the petitioner's representation, dated 12.12.2011.

For Petitioner	: M/s.Shobana Ramasubramanyan
For Respondents	: Mr.M.Maharaja Special Govt. Pleader

ORDER

Heard the learned counsel, appearing on behalf of the petitioner, as well as the learned counsel, appearing on behalf of the respondents.

2. This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the respondents to act as per the Scheme framed, by an order, dated 1.12.1976, passed in O.A.No.147 of 1976, and appoint the new Board of Trustees, as per the representation of the petitioner, dated 12.12.2011.

3. The main contention of the learned counsel, appearing for the petitioner is that Srikadu Hanumantha Rayar Temple (hereinafter referred to as, 'the temple'), has a rich heritage of nearly 800 years. It has been catering to the spiritual needs of the Madhwa Community. The temple was being administered with the funds collected from the persons, belonging to the Madhwa community.

4. While so, a scheme had been framed for the administration of the temple, on 1.12.1976, in O.A.No.147 of 1976. As per the said Scheme, the administration of the temple, shall vest with the Board of Trustees consisting of not less than three members and not more than five members, belonging to the Madhwa community, residing in Dharapuram Taluk, Tiruppur District. Accordingly, the temple had been administered by the Board of Trustees, as per the Scheme decree, from time to time.

5. The learned counsel had submitted that the petitioner had been elected, as the Chairman of the Board of Trustees, which had been appointed for the administration of the temple, by the proceedings of the first respondent, dated 13.11.2010. The period of the Board of Trustees had been specified, as two years. However, the Non-hereditary Trustees appointed by the first respondent, by his proceedings, dated 13.11.2010, and the petitioner, who was the Chairman of the Board of Trustees, had submitted their resignations, on 15.08.2011.

6. After the resignation of the Board of Trustees, which had been accepted by the first respondent, by his proceedings, dated 8.9.2011, no new Board of Trustees has been constituted, by the first respondent, inspite of several representations submitted to him, on behalf of the people belonging to the Madhwa Community, residing in Dharapuram Taluk, Tiruppur District. One such representation had been submitted on

2.12.2011.

7. While so, the fourth respondent had been appointed, as the Fit Person of the temple in question. She is said to have taken the charge of the administration of the temple, from 19.8.2014.

8. The learned counsel, appearing on behalf of the petitioner had submitted that there was no need for the appointment of a Fit Person, by the first respondent, when there are eligible persons, belonging to the Madhwa community, to be appointed as the Board of Trustees and therefore, the appointment of the Fit Person, by the first respondent, is contrary to the Scheme framed, by an order, dated 1.12.1976.

9. Per contra, Mr. M. Maharaja, the learned Special Govt. Pleader appearing on behalf of the respondents, had submitted that the petitioner and the other members of the Board of Trustees, who had been appointed by the proceedings of the first respondent, dated 13.11.2010, had tendered their resignations on 15.8.2011. The resignation submitted by the Board of Trustees had been accepted by the first respondent, by his proceedings, dated 08.09.2011. Thereafter, a Fit Person had been appointed to discharge the functions and the duties relating to the administration of the temple in question. However, the Board of Trustees, who had submitted their resignations had refused to hand over the charge of the administration of the temple. As such, they are continuing as the Board of Trustees, without any right or authority to do so.

10. In such circumstances, the fourth respondent, who had been appointed as the Fit Person and assumed office, on 19.8.2014, had requested the petitioner to hand over the charge of the administration of the temple. However, the petitioner had refused to hand over one of the keys of the Hundial, wherein the jewellery and other valuable items of the temple had been kept.

11. At this stage of the hearing of the writ petition, the learned counsel, appearing on behalf of the petitioner had submitted that the key of the Hundial of the temple, which had been in the custody of the petitioner, would be handed over to the Fit Person of the temple, on or before 2.9.2016.

12. In view of the submissions made by the learned counsels, appearing on behalf of the petitioner, as well as the respondents and on a perusal of the records available, this Court finds it appropriate to direct the first respondent to consider the necessity of the appointment of the trustees, to

the temple in question, from amongst the members of the Madhwa community, as per the scheme framed, by an order, dated 1.12.1976, in O.A.No.147 of 1976, and to take necessary steps, for such appointment, in accordance with the said order and the relevant provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, Act and pass appropriate orders, as expeditiously as possible.

13. The petitioner is permitted to hand over the key of the Hundial of the temple, to the fourth respondent, who had been appointed as the Fit Person of the temple, on or before 2.9.2016.

The writ petition is disposed of, with the above directions. No costs. Consequently, connected M.P. is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

rnb

To

1.The Commissioner
H.R.& C.E. Department
Nungambakkam
Chennai-34.

2.Joint Commissioner
H.R. & C.E.
Dr.Balasundaram Road
Coimbatore.

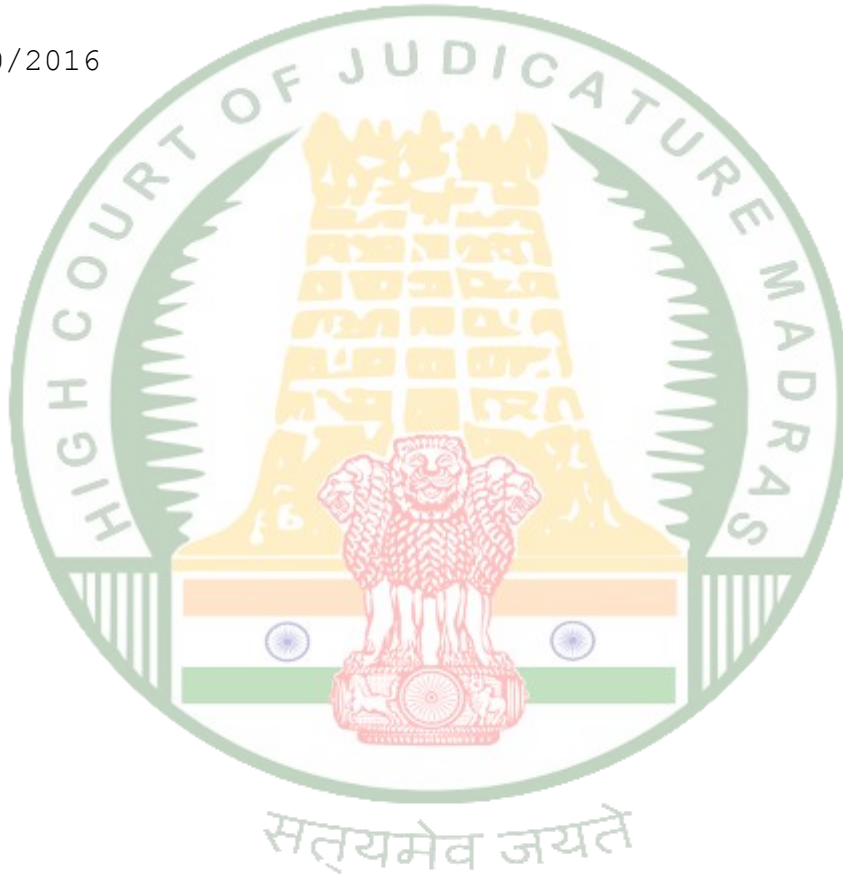
3.The Executive Officer
Sikadu Hanumantha Rayar Temple
Dharapuram
Tiruppur District.

4.Fit Person
Srikadu Hanumantha Rayar Temple
Dharapuram, Tiruppur District.

+1 CC to M/s. Shobana Ramasubramaniyan, Sr.No.49598
+1 CC to Govt., Pleader Sr.No.49778

W.P.No.24079 of 2014 and
M.P.No.1 of 2014

NR (CO)
MD : 06/10/2016



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