

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. Nos.25429 to 25433 of 2015 & 2359 of 2014
and

WMP.No.20567 of 2016

W.P.No.25429 to 25433 of 2015:

M/s.Temple Worshippers Society,
rep. by its Secretary-General T.R.Ramesh,
Flat No.3-B 'Nataraj Apartments',
17 D Silva Road, Mylapore,
Chennai-600 004.

...Petitioner in W.P.25429 to
25433/2015

-Vs-

Government of Tamil Nadu,
by its Secretary,
Tourism and Religious Endowments Department,
Fort St. George,
Chennai-600 009.

The Commissioner,
Hindu Religious and Charitable Endowments Department,
122, Nungambakkam High Road,
Nungambakkam,
Chennai-600 034.

...Respondent Nos.1 & 2 in all WPs

The Executive Officer,
Sri Arthanareeswara Temple,
Tiruchengode,
Namakkal District-637 301.

...Respondent No.3 in W.P.25429/2015

The Executive Officer,
Sri Nellaiappar Temple,
Tirunelveli.

...Respondent No.3 in W.P.25430/2015

The Executive Officer,
Kallazhagar Temple,

Azhagarkoil, Madurai-625 301 ...Respondent No.3 in W.P.25431/2015

The Executive Officer,
Sri Parthasarathi Temple,
Triplicane, Chennai-600 005 ...Respondent No.3 in W.P.25432/2015

The Executive Officer,
Sri Kandhaswamy Temple,
Tirupporur,
Kanchipuram District. ...Respondent No.3 in W.P.25433/2015

W.P.No.2359 of 2014

K.R.Ramaswamy @ Traffic Ramaswamy ... Petitioner

Vs.

1. The Comptroller and Auditor General of India,
9, Deen Dayal Upadhyay Marg,
New Delhi - 24.
2. The Chief Secretary,
Govt. of Tamilnadu,
Fort St. George,
Chennai-9.
3. The Secretary to Govt.,
Tourism, Culture & Religious Endowment Department,
Fort St. George,
Chennai-9.
4. The Commissioner,
HR & CE Department,
Nungambakkam, Chennai-34.
5. The Secretary to Govt.,
Home Department,
Fort St. George, Chennai-9.

... Respondents

W.P.No.25429 of 2015 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the records of the impugned order dated 09.04.1966 passed by the then Commissioner of the Hindu Religious and Charitable Endowments Department, the second respondent herein in his Proceedings in D.Dis.57963/65 dated 09.04.1966 appointing an Executive Officer under Section 45(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 for Sri Arthanareeswarar Temple, Tiruchengode, Namakkal District and quash the same.

W.P.No.25430 of 2015 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the records of the impugned order dated 09.04.1966 passed by the then Commissioner of the Hindu Religious and Charitable Endowments Department, the second respondent herein in his Proceedings in 16248/66 dated 13.05.1966 appointing an Executive Officer under Section 45(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 for Sri Nellaippar Temple, Tirunelveli and quash the same and quash the same.

W.P.No.25431 of 2015 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the records of the impugned order dated 09.04.1966 passed by the then Commissioner of the Hindu Religious and Charitable Endowments Department, the second respondent herein in his Proceedings in D.Dis.14578/66 dated 29.05.1966 appointing an Executive Officer under Section 45(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 for Sri Kallazhagar Temple, Azhagarkoil, Madurai District and quash the same.

W.P.No.25432 of 2015 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the records of the impugned order dated 09.04.1966 passed by the then Commissioner of the Hindu Religious and Charitable Endowments Department, the second respondent herein in his Proceedings in Rc.No.31022/68-3 E.O. Dated 31.7.1968 appointing an Executive Officer under Section 45(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 for Sri Parthasarti Temple, Chennai-600 005 and quash the same.

W.P.No.25433 of 2015 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the records of the impugned order dated 09.04.1966 passed by the then Commissioner of the Hindu Religious and Charitable Endowments Department, the second respondent herein in his Proceedings in R.Dis.77729/78 dated 23.10.1978 appointing an Executive Officer under Section 45(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

W.P.No.2359 of 2014 filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing respondent Nos.2 to 4 to consider and pass appropriate orders on the representation dated 25.01.2014 sent by the petitioner for framing special scheme to recall the Executive Officers from the Hindu temple and hand over the administration to the Hereditary Trustees for its better administration.

For Petitioner : Mr.Rathina Asohan in
W.P.25429 to 25433/2015
Mr.N.Rajaraman in
W.P.2359/2014

For Respondents : Mr.M.K.Subramani
Government Pleader for R1 & R2
Mr.S.S.Raghavan for R3 in
W.P.25429 to 25433/2015
Mr.K.Venkataramani
Asst. Advocate General
assisted by
Mr.M.Maharaja
Special Government Pleader
(HR & CE) for R1 to R5
in W.P.2359/2014
Mr.M.K.Subramani
Government Pleader for R6

COMMON ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

These petitions do not survive for consideration for the reason that they seek writ of certiorari questioning the orders dated 9.4.1966, 13.5.1966, 29.5.1966, 31.7.1968 and 23.10.1978 respectively passed by the then Commissioner of Hindu Religious and Charitable Endowments Department/respondent No.2, appointing the Executive Officers under Section 45(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 in respect of five temples - (i) Sri Arthanareeswarar Temple, Tiruchengode; (ii) Sri Nellaiappar Temple, Tirunelveli; (iii) Sri Kallazhagar Temple, Azhagarkoil, Madurai District; (iv) Sri Parthasarti Temple, Triplicane, Chennai and (v) SriKandhaswamy Temple, Tirupporur, Kanchipuram District predicated on a statement that no Rules had been framed and now the Rules have been framed and notified, albeit retrospectively.

2. The writ petitions are thus disposed of as infructuous with liberty to the petitioner to take recourse to a legal remedy, if so advised, in view of the notification of the Rules. No costs. Consequently, WMP.No.20567 of 2016 is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Tourism and Religious Endowments Department,
Fort St. George, Chennai-600 009.
2. The Commissioner,
Hindu Religious and Charitable Endowments Department,
122, Nungambakkam High Road,
Nungambakkam, Chennai-600 034.
3. The Comptroller and Auditor General of India,
9, Deen Dayal Upadhyay Marg,
New Delhi - 24.
4. The Chief Secretary,
Govt. of Tamilnadu,
Fort St. George,
Chennai-9.
5. The Secretary to Govt.,
Home Department,
Fort St. George, Chennai-9.

+1cc to Mr.Rathina Asohan, Advocate, S.R.No.45346
+1cc to Mr.S.S.Raghavan, Advocate, S.R.No.45345
+2cc's to Mr.Santhana Krishnan, Advocate, S.R.No.45013
+1cc to Mr.Gopalan, Advocate, S.R.No.44902
+1cc to the Government Pleader, S.R.No.45092

W.P.Nos.25429 to 25433
of 2015 & 2359 of 2014

MG (CO)
CA(22/08/2016)

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