

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.43313 of 2016

K.V.Sankara Subramanian

... Petitioner

vs.

1. The Commissioner,
Hindu Religious and Charitable Endowment,
Nungambakkam,
Chennai 600 034.
 2. The Executive Officer,
Chozhia Brahmins Annadhanam Trust at
Kadayanallur, Arulmugu corpakaswamy temple
Krishnapuram,
Tenkasi Taluk,
Tirunelveli District.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the 1st respondent herein to consider and dispose of the representation dated 06.07.2016, followed by the petitioner's reminder dated 17.08.2016 immediately to withdraw the Executive Officer, the 2nd respondent herein from Annadhana Chatram at Kadayanallur, managed by Chozhia Brahmins Community of Kadayanallur Village, Tirunelveli District, within a stipulated time, as the continuation of the Executive Officer is against the direction of this Court as well as contrary to the Declarative Decree in O.A.No.10 of 1965 on the file of Department for H.R. & C.E. Administration, Administration Department, Madurai, dated 12.04.1969.

For Petitioner : Mr.G.Nagarajan
For Respondents: Mr.M.Maharaja, (for R-1)
Special Government Pleader (HR & CE)

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the 1st respondent herein to consider and dispose of his representation dated 06.07.2016 within a stipulated time, as the continuation of the Executive Officer is against the

direction of this Court as well as contrary to the Declarative Decree in O.A.No.10 of 1965 on the file of Department for H.R. & C.E. Administration, Administration Department, Madurai, dated 12.04.1969.

2. According to the petitioner, Annadhanam Chatiram at Kadayanallur was founded by Chozhia Brahmins of Kadayanallur Village and the rights of Chozhia Brahmin Community to be the Trustees and managing affairs of the Annadhana Chatiram, Kadayanallur had been duly declared vide Order dated 12.04.1969 in O.A.No.10/1965 on the file of the Department for H.R. & C.E. Administration, Administration Department, Madurai filed under Section 63(B) of Madras H.R. & C.E. Act, 1959, by one V.Subramaniya Iyer, the then Trustee and Member of Chozia Brahmin Community.

3. The case of the petitioner is that he was elected as the Managing Trustee of Annadhanam Chatiram with effect from 2014 and is continuing to hold the said post till date. As it was alleged that there is some mismanagement of the affairs of the Annadhana Chatiram by the erstwhile Trustees, by proceedings dated 19.11.1987, the Commissioner, H.R. & C.E. Department, Chennai appointed an Executive Officer, under Section 45(A) of the H.R. & C.E. Act to manage the affairs of the Trust along with the Trustees of Annadhanam Chatram. However, on 23.09.1994, one Mr.G.Yagna Narayanan was elected as the Managing Trustee of Annadhanam Chatram and after assuming office, by letter dated 10.07.1996, the petitioner made a representation to the Commissioner, H.R. & C.E. Department, Chennai, bringing to his notice that newly elected Trustees have assumed charge, but, however, the Executive Officer, did not handover the charges but continued to manage the affairs and requested the Commissioner to withdraw the Executive Officer from the Committee of Annadhana Chatram.

4. Since the said request was not considered by the Commissioner, the then Managing Director, Mr.V.Subramania Iyer filed W.P.No.310 of 1988 on the file of this Court, challenging the order of appointment of the Executive Officer, dated 19.11.1987. By order dated 30.01.1997, this Court directed the Commissioner to look into the complaint against the Executive Officer and further directed to pass orders on the representation filed by the Trustees for the removal of the Executive Officer. However, the Commissioner, H.R. & C.E. by an order dated 21.09.1998, again confirmed the order of appointment of Executive Officers with a direction to the Executive Officer to act as per the directions of the elected Trustees and with their previous permissions and resolutions. As against the said order, another Writ Petition was filed in W.P.No.18740 of 1998 and by an order dated 05.09.2006, this

Court directed the Joint Commissioner to proceed further in accordance with law on the letter of the petitioner.

5. The only grievance of the petitioner is that even though the Trustees have been repeatedly requesting the Commissioner, H.R. & C.E. to withdraw the Executive Officer from the Annadhana Chatram, since there is no necessity to keep the Executive Officer in the affairs of the Annadhan Chatram, the same was not at all considered by the Commissioner. In this regard, the petitioner, in the capacity of the present Managing Trustee as well as the prior Trustee made several representations to the 1st respondent to withdraw the Executive Officer from the affairs of the Annadhan Chatram. Since no action is forthcoming from the respondents, the petitioner has approached this Court.

6. Learned counsel for the petitioner submitted that the continuance of the Executive Officer/2nd respondent in the affairs of the Annadhana Trust is no longer necessary and is contrary to the Declarative Decree made in O.A.No.10/1965.

7. Heard the learned counsel on either side and perused the material documents available on record.

8. Considering the facts and circumstances of the case and without expressing any opinion on the merits of the case, this Court directs the 1st respondent to consider the petitioner's representation dated 06.07.2016 in accordance with law and on merits, and pass appropriate orders after giving an opportunity of hearing to the parties, within a period of eight weeks from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

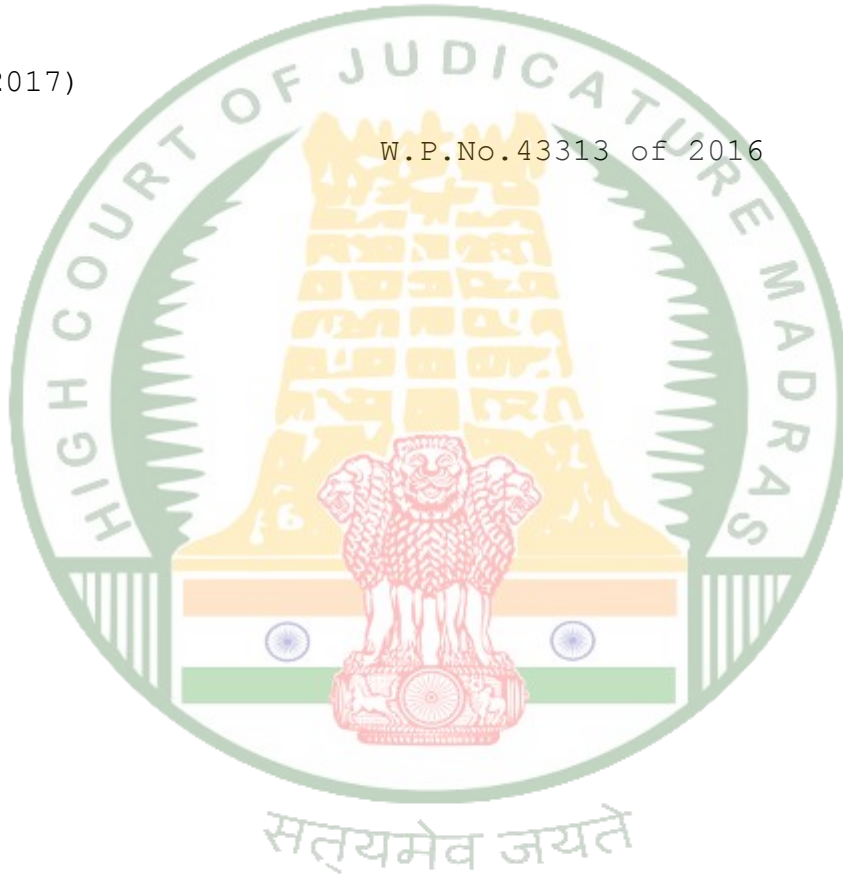
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+lcc to Mr.G. Nagarajan, Advocate, S.R.No.73172
+lcc to the Government Pleader, S.R.No.74000

rj(CO)
md(31/01/2017)

W.P.No.43313 of 2016



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