

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.751 & 752 of 2016

1. S.Yuvarajan
2. M.Meenakshi Sundari
3. P.Kalaiselvan

... Petitioners in  
W.P.No.751 of 2016

1. S.Thulasi Mani
2. M.R.Ramalingam
3. K.N.Velusamy
4. T.Thangavel
5. K.N.Kandasamy

... Petitioners in  
W.P.No.752 of 2016

Vs.

1. The Joint Commissioner,  
Office of Joint Commissioner,  
Hindu Religious Charitable  
Endowment Department,  
Chennai-600 018.

2. The Secretary to Government,  
Hindu Religious Charitable  
Endowment Department,  
Fort St.George,  
Chennai-600 009.

... Respondents in  
both writ petitions

PRAYER : Writ petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified mandamus, to call for the records pertaining to the impugned orders passed by the first respondent in Original Proceedings No.9322/2015/A3/dated 01.10.2015 and 11481/2015/Aa3/dated 28.10.2015 respectively, quash the same and consequently direct the respondents to declare the appointments of non-hereditary trustees and also call for appointment of non-hereditary trustees as per the draft scheme issued by Deputy Commissioner in OA.No.176/1976 on 05/10/97 for administration of "Sri Muthumariamman Temple Situated at Nawab Hakim Road, Coimbatore and in O.A.No.4 of 2013 on 11.12.2013 for administration of "Arulmighu Sadyappa Swamy Thirukoil"Kandasamypalayam, Kallankoil village, Erode District.

For Petitioners : Mr.V.S.Usharani  
For Respondents: : Mr.V.Jayaprakash Narayan  
Spl.G.P.

O R D E R

By proceedings bearing Nos. 9322/2015/A3/dated 01.10.2015 and 11481/2015/Aa3/dated 28.10.2015 the first respondent rejected the applications made by the petitioners, seeking for declaration of appointment of non-hereditary trustees to the temple. Challenging the same, the petitioners have come forward with the present writ petitions with consequent prayer to declare the appointments of non-hereditary trustees and also call for appointment of non-hereditary trustees as per the draft scheme issued by Deputy Commissioner in O.A.No.4 of 2013 on 11.12.2013 for administration of "Arulmighu Sadyappa Swamy Thirukoil"Kandasamypalayam, Kallankoil village, Erode District.

2. The petitioners are the de-facto trustees of Sri Muthumariamman Temple, which was founded in the year 1896 by the Valluvar community people. In the year 1976, an application in O.A.No.176 of 1976 was moved before the Deputy Commissioner of Hindu Religious Charitable and Endowment Department, seeking for framing a scheme in lieu of managing the affairs of the temple including the administrations of moveable and immovable properties. The said application was allowed. As per clause 4 of the draft scheme, five persons shall be appointed as non-hereditary trustee by the appropriate authority from Valluvar community. The grievance of the petitioners is that despite the said draft scheme, so far no appointment of non-hereditary trustee has been made to the temple by the first respondent. The petitioners made applications 22.8.2015 and 16.10.2015 to the first respondent. However, by proceedings dated 01.10.2015 and 28.10.2015 impugned in the writ petitions, the first respondent rejected the applications. Hence the writ petitions.

3. The learned counsel appearing for the petitioners would submit that by virtue of Clause 10 of the draft scheme issued by the Joint Commissioner of Hindu Religious Charitable Endowment Department in O.A.No.4 of 2013, dated 11.12.2013, non-hereditary trustees alone have to be appointed to the temple by not exceeding five members and not less than three members, however, so far no such trustees have been appointed.

4. The first respondent rejected the claim of the petitioners on the ground stating that as and when the declaration made by the government, the application would be called for appointment of non-hereditary trustees. It is not in

dispute that already, the Joint Commissioner of HR&CE has issued the draft scheme by allowing O.A.No.4 of 2013. On earlier occasion, when similar writ petitions were filed in W.P.Nos.29546 and 27002 of 2015, the First Bench of this Court, has passed the following order on 02.11.2015:

"We have heard the learned counsel for the petitioners and perused the prayer made in both the petitions. The temples have not even been impleaded as a party. The prayer made is for a direction to the respondent / Government authority to declare the appointment of non-hereditary Trustees as per a draft scheme issued by the Joint Commissioner in O.A.No.47/09 on 30.01.2013 of Sree Vidhya Sakthi Vinayakar Temple situated at K.K.Puthur, Sai Baba Colony, Chinthamani Nagar, Coimbatore and O.A.No.176/78 B1 dated 04.01.1983 of A/m.Ramakoti Madalayam Temple, Ondipudur, Coimbatore, respectively.

2.We, thus, call upon the respondents to examine the request of the petitioners and communicate a reasoned decision within a maximum period of three (3) months from the receipt of the order."

In view of the above, these Writ Petitions are disposed of, directing the respondents to examine the request of the petitioners and communicate a reasoned decision within a period of four months from the date of receipt of a copy of this order. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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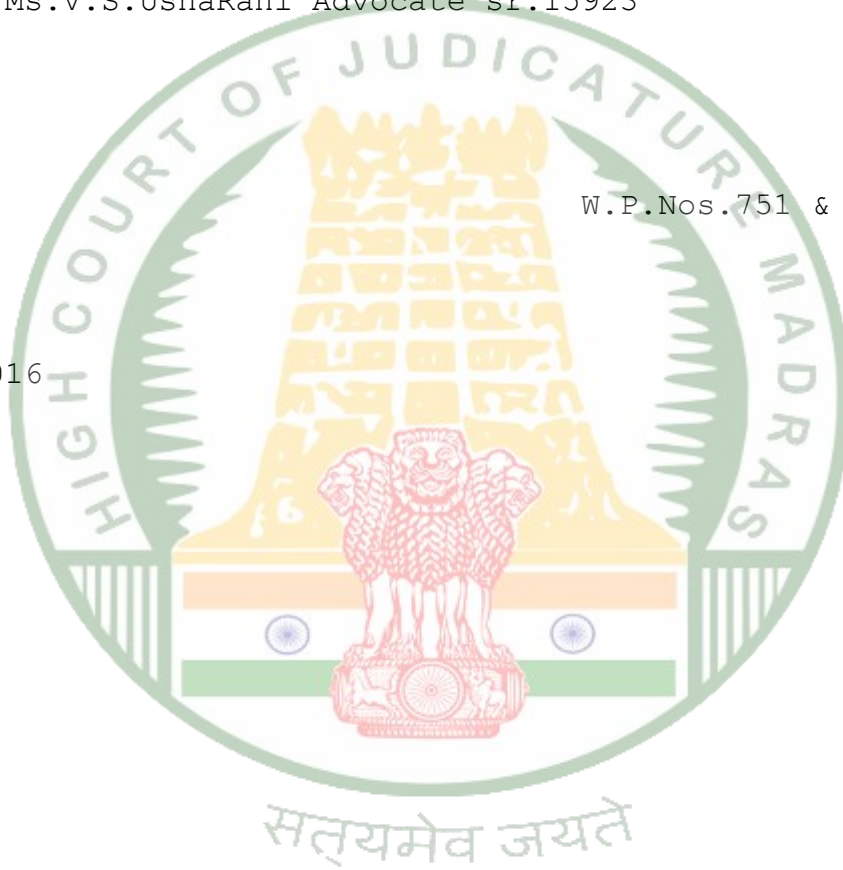
1.The Joint Commissioner  
office of Joint Commissioner  
Hindu Religious Charitable  
endowment Department, Chennai-18

2.The Secretary to Government  
Hindu Religious Charitable Endowment  
Department, Fort St.George  
Chennai-600 009

+2 ccs to Ms.V.S.UshaRani Advocate sr.15923  
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