



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 05.08.2016

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WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P(MD)No.17315 OF 2015 & M.P(MD)No.1 of 2015

M.Thilagaraj

..Petitioner

.-Vs.

1.The Secretary to the Government,
Tamil Development & Hindu Religious &
Charitable Endowment,
St.George,Chennai-600 009.

2.The Commissioner,
Hindu Religious & Charitable Endowment,
Nungambakkam, Chennai-600 009.

3.The Joint Commissioner,
Hindu Religious & Charitable Endowment,
Sivagangai, Sivagangai District.

4.The Executive Officer,
Arulmigu Adaikalam Katha Ayyanar and
Padrakali Amman Temple,
Madapuram,
Thiruppuvnam Taluk & Post,
Sivagangai District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent herein to conduct the election for electing Trustees belonging to Mukkanda Nadar Community of Madapuram Village to the Arulmighu Adaikalam Katha Ayyanar and Padrakali Amman Temple, Madapuram, in exercise of his powers under Section 47(1) of the Tamil Nadu Hindu Religious & Charitable Endowments Act, 1959 (Act 22 of 1959) by implementing the Rule 3 of the Scheme Decree passed in O.A.No.12 of 1978 within the time a stipulated fixed by this Court.

For Petitioner

:Mr.R.Aravind Raj

For Respondents 1 to 3

:Mr.Aayiram K.Selvakumar
Govt.Advocate.

For Respondent 4

: No Appearance

**ORDER**

The petitioner has filed this Writ Petition for issuing a Writ of Mandamus to direct the first respondent herein to conduct the election for electing Trustees belonging to Mukkanda Nadar Community of Madapuram Village to the Arulmighu Adaikalam Katha Ayyanar and Padrakali Amman Temple, Madapuram, in exercise of his powers under Section 47(1) of the Tamil Nadu Hindu Religious & Charitable Endowments Act, 1959 (Act 22 of 1959) by implementing the Rule 3 of the Scheme Decree passed in O.A.No.12 of 1978.

2. In O.A.No.12 of 1978 by an order dated 16.02.1978, the Deputy Commissioner of Hindu Religious and Charitable Endowments (Admn) Department, Madurai-2, has framed the scheme for the temple in question. As per the scheme which is covered by the provisions of Tamil Nadu Hindu Religious and Charitable Endowments Act, the temple and its properties have to be administered by a team of five Trustees either appointed or elected or selected from out of the Mukkandar Nadar Community residing at Madapuram village. It is also provided in the scheme that the Trustee shall elect one among themselves as Chairman, Board of Trustees and further that the Board of Trustees hold the Office for a period of three years.

3. Though the temple in question is a Hindu Religious Institution covered by the Tamil Nadu Hindu Religious & Charitable Endowments Act, 1959, the scheme that had already been framed by the Hindu Religious and Charitable Endowments Department, has to be strictly followed while electing the Trustees of the Temple.

4. Considering the nature of relief sought for, this Court is not in a position to give a positive direction. However, the second respondent is directed to consider the representation of the petitioner dated 22.01.2015, and pass appropriate orders on the same on merits and in accordance with law and also taking into account the interest of Institution after affording a reasonable opportunity of being heard not only to the petitioner but also to persons who are interested and representing the majority of the community within a period of six weeks from the date of receipt of a copy of this order.

5. With the above directions, the writ petition is disposed of. No costs. Consequently, the connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar



gsr
To

1.The Secretary to the Government,
Tamil Development & Hindu Religious &
Charitable Endowment,
St.George,Chennai-600 009.

2.The Commissioner, Hindu Religious & Charitable Endowment,
Nungambakkam, Chennai-600 009.

3.The Joint Commissioner, Hindu Religious & Charitable Endowment,
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4.The Executive Officer, Arulmigu Adaikalam Katha Ayyanar and
Padrakali Amman Temple, Madapuram,
Thiruppuvnam Taluk & Post, Sivagangai District.

+1CC to Mr.R.Aravind Raj, Advocate Sr.No.42416

GJM/KP/22.8.16-3p-6c

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